ALBERTA ADVISORY COUNCIL ON WOMEN'S ISSUES

[redacted]

A BACKGROUND PAPER ON

EMPLOYMENT EQUITY: GAINING ACCEPTANCE

MARCH 1991

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EMPLOYMENT EQUITY RECOMMENDATIONS

The Alberta Advisory Council on Women's Issues believes that if Alberta is to successfully compete in the global marketplace, it is essential that the creativity and diversity of ALL human resources be utilized in an equitable manner.

The Council believes that employment equity legislation is a means by which the full and equitable participation in the life of the province can be achieved by women, Aboriginal peoples, persons with disabilities, and members of visible minorities.

The Alberta Advisory Council on Women's Issues defines employment equity as follows: A comprehensive and active process adopted by an employer to provide for appropriate representation of designated groups within the Alberta workforce. Employment equity involves not only identifying and eliminating employment barriers and discriminatory practices; but also applying special measures and accommodating differences to ensure equality of opportunity and the amelioration of conditions which restrict equality.

The four designated groups referred to in these recommendations are women, Aboriginal peoples, persons with disabilities, and members of visible minorities.

Whereas;

The world of work is changing rapidly and Alberta's labour market is being transformed as a result, such that:

Women now comprise 45% of the Alberta labour force and are expected to make up more than 50% by the year 2000;

77% of women with children in school ; 68% of women with children aged 3-5 years and 55% of women with children under three years of age work outside the home.

One in six Albertans was born outside this country;

60% of immigrants from 1980-1987 did not speak English;

The entire post-war 'baby boom' is now of working age;

Technology has raised the skill requirements for most jobs;

Some 70% of new workforce entrants are from the four designated groups and by the year 2000 they will be 80% of new entrants;

Whereas;
The Government of Alberta, having ratified the Charter of Rights and Freedoms, is committed along with the Government of Canada and other Canadian provinces to promoting equal opportunities for the well-being of Albertans and to furthering economic development to reduce disparity in opportunities;

Whereas;
The Government of Alberta has amended the Individual Rights Protection Act, Sec. II.i to allow for employment equity initiatives;

Whereas;
Both direct and systemic discrimination exist in the workplace;

Recommendation 1

THE ALBERTA ADVISORY COUNCIL ON WOMEN'S ISSUES RECOMMENDS THAT:

The Government of Alberta enact legislation requiring the implementation of employment equity in all provincial government departments, agencies, Crown corporations and commissions and those institutions regulated by the Alberta Government.

Recommendation 2

THE ALBERTA ADVISORY COUNCIL ON WOMEN'S ISSUES RECOMMENDS THAT:

The Province of Alberta establish an Alberta Employment Equity Commission. Duties of the Commission shall include the following:

1. Assisting in the implementation of employment equity.
2. Education of employers and the four designated groups.
3. Monitoring and assessing the progress of employment equity implementation.

The Commission must be empowered to enforce compliance.

Recommendation 3

THE ALBERTA ADVISORY COUNCIL ON WOMEN'S ISSUES RECOMMENDS THAT:

> The Government of Alberta establish a Contract Compliance Policy requiring that all contractors who supply goods and/or services to the Government of Alberta equal to or greater than the annual aggregate amount of one hundred thousand dollars, implement employment equity.
>
> Further, that the Employment Equity Commission be responsible for monitoring, assessing and reporting to the Government on the compliance of these companies.

Whereas;

The implementation of employment equity will require readiness of the workplace, the workforce and members of the four designated groups;

Recommendation 4

THE ALBERTA ADVISORY COUNCIL ON WOMEN'S ISSUES RECOMMENDS THAT:

> The Government of Alberta, in partnership with business, labour, and the community, take special measures to prepare members of the four designated groups to take their place in the workforce.

Recommendation 5

THE ALBERTA ADVISORY COUNCIL ON WOMEN'S ISSUES RECOMMENDS THAT:

> The Government of Alberta, in partnership with employers, business, labour, and the community, identify and eliminate employment barriers, and discriminatory practices, and apply special measures to accommodate differences.

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EXECUTIVE SUMMARY

The full document A Background Paper on Employment Equity: Gaining Acceptance is intended for use by those who wish to understand employment equity, its history in Canada and its potential implications. The Alberta Advisory Council on Women's Issues used this paper as the basis for discussion on employment equity; these discussions eventually led to the recommendations made to the Government of Alberta in March 1991. The Advisory Council on Women's Issues owes a great debt to Patricia J. Cooper, who did a vast amount of research, information collection, and writing on our behalf.

The members of the Economic Committee of The Alberta Advisory Council on Women's Issues who commissioned the document and developed the recommendations are

Lauraine Howatt (Grande Prairie), Chair
Donna Graham (Vulcan)
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Amal Umar (Calgary)
Derryn Yeomans (Red Deer)

The Alberta Advisory Council on Women's Issues was established in 1986. Its mandate is to work toward the full and equal participation of women in the life of the province by identifying issues of concern to women and making recommendations on these issues to the Government of Alberta. Since its inception, The Alberta Advisory Council on Women's Issues has been examining the issue of employment equity, questioning whether there was a need for it in Alberta and, if so, how best to encourage its implementation.

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The Canadian Bill of Rights was passed in 1960 and since that time, human rights law and enforcement practices have continued to be developed. Over the years, new grounds of discrimination have been added, extending the original prohibitions against discrimination because of race and religion to cover sex, age, marital status, disability, and in some jurisdictions, criminal record, political belief, family status, and sexual orientation. The courts' interpretation of The Canadian Bill of Rights focused only on the intentions of government and not at all on the effects of the legislation on the classes or groups specified.

In the 1970s, Canadian women realized the Bill of Rights was inadequate for women and started a strong lobby for change. When the Canadian Charter of Rights and Freedoms came into force in 1985, it had an equality guarantee very different from that found in The Canadian Bill of Rights. Section 15 of the Charter reads as follows:

> 15(1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, color, religion, sex, age or mental or physical disability.
>
> (2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, color, religion, sex, age or mental or physical disability.

Section 15(2) was a significant new addition because it affirmed clearly that the equality envisioned by this section would require addressing conditions of disadvantage.

Employment equity is not a recent concept in Canadian history. For example, the federal civil service encouraged certain hiring practices as early as 1918. At that time, the Civil Service Employment Act added a Veteran's Preference Clause to ensure that hiring priority was given to war veterans. The clause was repealed in 1953. It is, to this day, the largest and

most powerful employment equity program ever applied to the federal civil service.

During the 1970s, a number of events indicated a shift in trends in the political and social environment. The influence of larger numbers of women in the workforce and their stronger representation in the political arena caused the beginning of change in the power structure. After the Royal Commission on the Status of Women Report in 1970, various forms of voluntary affirmative action programs for women were implemented within the federal public service.

In 1972, the federal cabinet sent all deputy ministers a directive asking them to take measures to promote the advancement of women to middle and upper positions. With the celebration of International Women's Year in 1975 and the embarrassingly poor representation of women in the executive and senior management positions within the federal public service, Jean Chretien, then president of the Treasury Board, sent a new directive. The objective outlined was that within a reasonable time frame, the representation of men and women should correspond to the proportion of qualified candidates of both sexes. Starting in January 1976, each department was to submit its annual targets and action plans for approval by the Treasury Board.

In the throne speech of April 14, 1980, the government committed itself to establishing a program within the federal public service for women, persons with disabilities, and Aboriginal people. A voluntary approach was encouraged in the private sector as well. By 1979, Employment and Immigration Canada had contacted and encouraged more than 1,400 private-sector employers to participate in an employment equity program. However, by July 1984, only 71 companies had agreed to do so.

THE EMPLOYMENT EQUITY ERA

The Royal Commission on Equality in Employment was initiated in 1982 by the Honorable Lloyd Axworthy, then Minister of Employment and Immigration. The initiative was in response to the growing concern about

employment practices which effectively excluded the designated groups from entry or promotion, whether those effects were intended or not. The Commission was chaired by Judge Rosalie Abella, a Judge of the Ontario Family Court and Chairperson of the Ontario Labour Relations Board. The Commission's mandate was to inquire into the most efficient, effective, and equitable means of promoting employment opportunities for and eliminating systemic discrimination against four designated groups in the Canadian workplace: women; Aboriginal peoples; persons with disabilities; and members of visible minority groups. Judge Abella coined the term "Employment Equity" to describe programs which remedy discrimination in the workplace. She viewed the term as being broad enough to include measures to narrow the wage gap between women and men, to create opportunities for women to move into non-traditional jobs, and to give consideration in the workplace for employees' family responsibilities.

The Abella Commission recognized that, for many people, the term affirmative action had come to be associated with interventionist government policies. However, there was no doubt about the interpretation of Section 15 of The Charter of Rights and Freedoms. Clearly, positive programming for designated target groups was allowed. The Commission replaced the term "affirmative action" with "employment equity," a term which is understood to be positive remedial programming in the workplace.

By 1984, a number of reports, including those prepared by interest groups, urged the federal government to introduce mandatory programs to bring about substantial changes. In September 1984, the Mulroney government won the largest majority in Canadian history. Flora McDonald was appointed Minister of Employment and Immigration and was thus responsible for receiving the Royal Commission Report on Equality in Employment. She quickly responded and within six months of the tabling of the report, legislation was drafted and introduced in Parliament. Bill C-62, An Act Respecting Employment Equity, was tabled in the House of Commons in June 1985, becoming law on August 15, 1986. Administered by Employment and Immigration Canada, the Employment Equity Act requires that federally regulated companies who employ 100 or more employees implement

employment equity. The Treasury Board of Canada established a policy which requires federal Crown Corporations to implement employment equity programs. Annual action plans must be submitted for to the Treasury Board for approval. In the same year another important equity initiative was introduced. The Federal Contractors Program affects companies with 100 or more employees tendering for goods and/or services contracts of $200,000 or more.

The 1989 Employment and Immigration Canada Annual Report lists the changes which were made in spite of the low growth rate of 1.4% in the workforce governed under the Act. Women increased their representation from 40.9% to 42.1%; Aboriginal peoples from .66% to .73%; persons with disabilities from 1.6% to 1.7%; and members of visible minorities from 5% to 5.7%.

The Commission's assessment of the effectiveness of the Act is that accomplishments left "much to be desired." The Commission noted that although the overall growth in the target areas was highest for women, the gain amounted to only 1.22%; a portion of these "very modest" gains could not be attributed to employment equity action.

THE ALBERTA PICTURE

The Alberta Human Rights Commission administers the Individual's Rights Protection Act, the province's anti-discrimination legislation. Section 11.1, introduced in 1985, provided the legislative ability to introduce employment equity programs. In April 1990, the Alberta Human Rights Commission passed a resolution urging the Government of Alberta to provide leadership by implementing employment equity policy and programs in the public service and government agencies; by encouraging the private sector to implement such programs; and by encouraging employment equity programs in Alberta's educational systems and institutions.

Implementation of employment equity programs under Alberta jurisdiction is voluntary. The province has no formal program for encouraging employment equity in the private sector. However, a number of employers have implemented such programs. Some examples are the Alberta Agricultural Development Corporation, Syncrude, the City of Calgary, the City of Edmonton, the University of Alberta, and the University of Calgary. Nevertheless, to the best of our knowledge, completely voluntary implementation is rare or non-existent. The universities are examples of employers who have implemented employment equity programs in order to continue to qualify for federal contracts.

PLANNING FOR THE 90s: TRENDS, IMPLICATIONS, RESPONSES

There has been a dramatic shift in the demographic structure of our society. As a result there is increased emphasis on human resources rather than on natural resources. Therefore, many changes are taking place in Canadian society which will have profound impacts on our family, political, and cultural lives. Among them are changing family structure, the aging population, the impact of technology on employment, and the contribution of the service sector to employment growth.

In view of the breadth of organizational change implied by employment equity, understanding the need for such change is crucial in gaining support for these new measures. The sources of pressure for change must be determined because they provide the motivation for launching employment equity initiatives.

The most compelling reason for implementing employment equity is the shift in the composition of the Alberta labour force. The following facts illustrate how the workforce has changed:

* Women now comprise 44% of the Alberta labour force; they are expected to make up more than 50% by the year 2000.
* Most women with children work outside the home.
* One in every six Albertans was born outside the country; 60% of immigrants from 1980 - 1987 did not speak English.
* The entire post-war baby boom is now of working age.
* Technology has raised the skill requirements for most jobs.
* 70% of the new entrants into the workforce are from the four designated groups; by the year 2000, they will constitute 80% of new entrants.

Labour force participants have a whole new set of expectations, viewpoints and issues. Some implications are that the workplace must assist them in balancing domestic duties with work; that English as a Second Language and human rights are important concerns; that the need for daycare, elder care, training, and flexible work arrangements are as important as people's salaries.

A systematic and comprehensive upgrading of Alberta's human resource policies and practices are an essential part of an effective response to these challenges. The increased diversity of the Alberta labour force will result in a need for legislated employment policies and practices to reverse systemic inequities in the hiring, training and promotion of women, disabled people, visible minorities and Aboriginal peoples.

Economic development depends on a capable and ready workforce. The need for employees stems from two main factors: first, changes in types and levels of economic activity; and second, the need to replace the workers who leave the labour force. A shortfall of human resources would obstruct economic development and create inflationary pressures. On the other hand, surpluses of persons having unwanted or unneeded skills create structural unemployment, result in a waste of human talent, and incur excess welfare expenditures. Both labour shortfalls and surpluses are undesirable for social and economic reasons.

Projections for the Labour Market of the 90s

1. Stable Employment Growth
2. Lower Rate of Labour Force Growth
3. Decline in General Unemployment Level
4. Competition to Hire Younger Workers
5. Increased Use of Technology
6. Majority of New Jobs Occurring in the Service Producing Sector
7. Increased Importance of Post-Secondary Training

Some of these assumptions and predictions raise questions and concerns. If we assume that people without education and skills will be unemployable then their potential for upgrading must be assessed and subsequent appropriate programs must be designed for them. Since such a high percentage of new jobs will be in the service sector which has traditionally been staffed by women with low-paying positions, concern must be focussed on guarding against the expansion of this "pink ghetto."

Forecasts of requirements for human resources (available from Alberta Career Development and Employment) show expected demands for about 252,000 new employees due to attrition of workers and the creation of new jobs. These figures are subdivided into an estimated 67,000 jobs which do not require post-secondary education, and 185,000 jobs which require college, university, or technical school graduation. Despite the expectation that there will continue to be some low skill employment possibilities, concern continues to be expressed with regard to the level of high school dropouts, which now stands at 30% in Alberta. Forecasts also provide some indication of the content which will be required in retraining programs to help employed people keep up-to-date in their fields.

The Employment and Immigration Canada forecasts for 1994-2000 have the same predictions as Alberta Career Development, namely that the need for human capital development is reaching a crisis. Falling birth and death rates are causing a rise in the average age of Canadians. The percentage of our population entering the workforce each year continues to drop. A

critical shortage of qualified new employees is approaching rapidly. The growing labour shortage will be offset only slightly by the fact that the participation of women is growing and is expected to continue to grow.

A very important part of the solution will be human resource policies which address, proactively, ways to truly value every employee. Alternative forms of corporate organization and relationships will be needed to transform the workplace. Taking full advantage of the widest range of human resource potential will require fundamental changes within the structure and culture of most Alberta organizations. Mounting evidence indicates that rigid hierarchical organizations do not foster employee commitment, the lack of which, of course, leads to reduced productivity. Companies which ignore the value and knowledge of their employees will do so at their own peril.

Employment equity is really an open systems management approach. It requires that an organization look at itself and be ready to move in new directions. By eliminating discrimination, management breaks down barriers and opens up the organizational system, enabling women to interact with men on the philosophical basis of participation and sharing. This is a major organizational change. It involves overcoming generations of tradition and changing relative power; it involves re-examining values. It means a transformation of the very culture of the workplace, specifically with respect to what is valued and rewarded, as well as the identification of the ground rules and assumptions which drive the organization.

EMPLOYMENT EQUITY: THE VISION

Employment equity signals a cultural transformation in the workplace. The new employment equity paradigm recognizes, honours, and accommodates diversity. An organization which has implemented employment equity will see the advantages of diversity and use that diversity as an asset and a resource.

Certain adjustments to employment systems, practices, and policies are clearly necessary in order to ensure equal access to employment opportunities for all individuals. The purpose of employment equity is to open the access and competition to all who would have been eligible but for the existence of discrimination, whether conscious or unconscious.

The employment equity vision anticipates growth within organizations in which the different perspectives of the four target groups, women, visible minority people, Aboriginal peoples, and people with disabilities will serve to strengthen the fabric of the workplace.

A BACKGROUND PAPER ON

EMPLOYMENT EQUITY: GAINING ACCEPTANCE

MARCH 1991

INTRODUCTION

This paper is intended for use by those who wish to understand employment equity, its history in Canada and its potential implications. The Alberta Advisory Council on Women's Issues used this paper as the basis for discussion on employment equity; these discussions eventually led to the recommendations made to the Government of Alberta in March 1991. The Advisory Council on Women's Issues owes a great debt to Patricia J. Cooper who did a vast amount of research, information collection, and writing on our behalf.

The Alberta Advisory Council on Women's Issues was established in 1986. Its mandate is to work toward the full and equal participation of women in the life of the province by identifying issues of concern to women and making recommendations on these issues to the Government of Alberta. Since its inception, The Alberta Advisory Council on Women's Issues has been examining the issue of employment equity, questioning whether there was a need for it in Alberta and, if so, how best to encourage its implementation.

The Alberta Advisory Council on Women's Issues defines employment equity as follows: A comprehensive and active process adopted by an employer to provide for appropriate representation of designated groups within the Alberta workforce. Employment equity involves not only identifying and eliminating employment barriers and discriminatory practices; but also applying special measures and accommodating differences to ensure equality of opportunity and the amelioration of conditions which restrict equality.

The world of work is changing rapidly and with such change, the Alberta labour market is being transformed. In this transformation, some trends have adverse implications for Alberta's social and economic objectives. Most significant is the shift in the structure of the population. The entire post-war baby boom is now of working age. Alberta's labour force growth rate slowed from a high of 4% in the 60s to just over 1% in the 80s. Female participation rates are the highest in the country. Women comprise 44% of

the Alberta labour force; most women with children work outside the home. As well, in the last 20 years, immigrants to Alberta have come primarily from Hong Kong, Vietnam and India, rather than from Europe and the United States as in previous years. In fact, from 1980-1987, 60% of immigrants to Alberta did not speak English. These demographic facts demonstrate that by the year 2000, 80% of the new entrants to the Alberta labour force will be women, disabled persons, members of visible minorities and Aboriginal peoples. Technology has raised the skill requirements for most jobs and Alberta's economic growth will not come from the harnessing of raw resources, but from the nurturing of its most precious resource -- Albertans. Investment in human resource development is important not only for the overall performance of the Alberta economy but also for individual fairness.

A systematic and comprehensive upgrading of Alberta's human resource policies and practices is an essential part of an effective response to these demographic challenges. The increased diversity of the Alberta labour force will result in a need for employment policies and practices to reverse systemic inequities in the hiring, training and promotion of women, disabled people, members of visible minorities and those of Aboriginal ancestry.

Japan, West Germany and other leading industrialized countries have realized that human resources, not natural resources, are the wealth of the future. This belief is changing not only the meaning of work but the very nature of work itself. Increasingly, people find the most meaning for their lives in their families and in their communities. Such a focus is reflected in the workplace in the growing demands for alternative work arrangements such as job-sharing, flex-time, permanent part-time, and extended leave opportunities such as sabbaticals and paid educational leave. The increased participation in the labour force of women with children raises such issues as workplace daycare, maternity/paternity leave and use of sick days to care for ailing children. As the number of men who participate actively in their families continues to increase, these men too will demand that the workplace adjust to meet their needs.

As a result of demands from today's workers, rapidly evolving technologies, increased pressure for better economic performance and free trade, Alberta organizations face greater challenges today than those of the last 50 years. Alberta is known for the entrepreneurial and volunteer spirit of its people. We have a cosmopolitan and multi-cultural population as well as the potential to be leaders in entrepreneurship, technology and innovation as we enter the 21st Century. The challenge is to create a climate for positive change in order to entice and keep talented people, to increase productivity, and to enhance diversity. These objectives should not be thought of as mutually exclusive, but rather as mutually reinforcing. They involve tapping all of Alberta's human resources, including women, Aboriginal peoples, members of visible minorities and disabled persons.

The performance of all Albertans will be measured by an increasingly global standard of excellence. Directing our efforts to the goals for the 21st Century, starting now, ensures that we embrace change and profit from it.

Certain adjustments to employment systems, practices, and policies are necessary in order to ensure equal access to employment opportunities for all individuals. Employment equity aims to open access and competition to all who would have been eligible but for the existence of conscious or unconscious discrimination.

Our research indicates there is a need for an employment equity program in Alberta. We believe that the intellect, unique perspectives, and creativity of women, Aboriginal peoples, members of visible minorities and disabled persons need to be fully employed in order to ensure Alberta's continuing competition in the global marketplace. Business, government, labour and the community need to change attitudes toward women and members of the other designated groups in order to be able to attract the talented and skilled. Systemic and direct barriers must be removed to ensure the full and equal participation of all peoples in the life of the province. In order to understand the need for employment equity now, it is helpful to examine its history.

THE EVOLUTION OF HUMAN RIGHTS IN CANADA: AN HISTORICAL PERSPECTIVE

The women of Canada, like women in all western industrialized nations, have pursued equality for well over a century. The earliest movements of the late nineteenth and early twentieth century focussed on winning formal rights such as the vote, the right to be "persons" and thus to hold public office, and the right to enter professions such as law and medicine. The winning of formal rights was very important since active roles for women in public life meant they could be in positions to introduce the social reforms essential to truly meaningful equality for women.

The second historical period of women's struggle for equality began in the late sixties. The goals of this period were far more comprehensive than those of the first half of the century. In fact, they aimed at nothing less than the restructuring of society.

To understand better the evolution of human rights in Canada, it is beneficial to journey back 40 years, to the end of World War II. The outrage, shock and pain felt by all civilized individuals and nations at the atrocities of this war, particularly those perpetrated by the Nazis on the Jewish people, created the desire to enshrine basic human rights. In 1948, a Canadian, John Humphrey, and an American, Eleanor Roosevelt, joined together to inspire and author the Universal Declaration of Human Rights. Even though it lacks legal force, the Universal Declaration of Human Rights has undeniable value as an educational instrument. Resulting activities in Canada included the gradual repeal of discriminatory laws and reduction in blatantly racist practices. Restrictive covenants forbidding the sale of property in certain areas to "Jews and persons of other objectionable nationality" were repealed. Segregated schools for blacks and Aboriginal peoples gradually disappeared, as did segregated swimming pools and special sections for non-whites in theatres and restaurants.

The Declaration subsequently inspired the Canadian Bill of Rights which was passed as a federal statute in 1960. Twenty-two years later, it became the cornerstone of the Canadian Charter of Rights and Freedoms.

Although there is no doubt that worldwide outrage at the gross violation of rights of Jewish people played an important role in the enshrining of human rights, Canada had its own shameful history, most notably in the Quebec Government's mistreatment of Jehovah Witnesses in the 1940s and '50s. During the time of these confrontations, John Diefenbaker, a Conservative Member of Parliament from Saskatchewan, supported the Witnesses in their struggle to assert their rights to freedom of speech, assembly and association.

The Jehovah Witnesses were pacifists. They were also outspoken critics of the powers of the Roman Catholic Church and the Quebec Government and accused them of acting together to keep the Quebec people under their control. The Witnesses were hated by both the church and the government, and as a result, there were many violations of their rights. Houses were searched unlawfully, meetings were disrupted, literature and Bibles were seized. Laws were passed to prevent Witnesses from distributing literature in the streets. They were charged with violating the Lord's Day Act, disturbing the peace, peddling without a licence, and sedition. The case of the Jehovah Witnesses went before the Supreme Court in 1959, a year after John Diefenbaker moved from being the Leader of the Opposition to becoming Prime Minister of Canada. One of his most significant accomplishments was The Canadian Bill of Rights which became an Act of Parliament in 1960, ensuring that citizens would be protected from arbitrary and irrational government conduct.

Since that time, human rights law and enforcement practices have been developed over the years. Extending the original prohibitions against discrimination because of race and religion, new grounds have been added to cover sex, age, marital status, disability, and in some jurisdictions, criminal record, political belief, family status, and sexual orientation. The

courts' interpretation of The Canadian Bill of Rights focused only on the intentions of government and not at all on the effects of the legislation on the classes or groups specified.

In the 1970s, Canadian women realized that the Bill of Rights was inadequate in protecting their rights. At that time, two key decisions on women's issues were handed down: the cases of Lavell and Bedard against the Attorney General of Canada and the case of Sandra Lovelace before the United Nations Human Rights Committee. Jeanette Lavell was a member of the Wikwemikong Indian Band in Ontario. In 1970, she married a non-Indian. As a result, her name and that of her child were automatically struck from the band list. Yvonne Bedard was born a full-blooded member of the Six Nations. She married a non-Indian and had two children. After separating from her husband in 1970, Bedard returned to the Six Nations reserve to live in a house which was left to her in her mother's will. Because she had married a non-Indian, the Six Nations Band Council ordered that Bedard's name be removed from the Band list and that she and her two children leave their home on the reserve.

Both Lavell and Bedard challenged the decisions of their Bands. They argued that these actions discriminated on the basis of sex and were contrary to The Canadian Bill of Rights. Subsection Section 12(1b) of The Indian Act, which deprived an Indian woman of Indian status when she married a non-Indian, did not apply to Indian men who married non-Indian women; in fact, an Indian man conferred Indian status upon his wife.

The cases ultimately reached the Supreme Court of Canada and were heard together in 1973. The Supreme Court of Canada upheld the Bands' decisions, depriving Lavell and Bedard of Indian status because they had married non-Indian men. The court stated that the guarantee of equality before the law, as stated in The Canadian Bill of Rights, meant equality only in the administration and enforcement of law. The actual substance of the law could discriminate between men and women as long as the law was applied equally to men and women. In other words, if all Indian women were discriminated against equally, then their guarantees of equality had not

been violated under The Canadian Bill of Rights. It was this ruling, so unpopular with Canadian women, which became an effective impetus to women's lobbying for better guarantees against sex discrimination in The Canadian Charter of Rights and Freedoms.

A few years later, another Indian woman, Sandra Lovelace, married a non-Indian man. When her marriage broke up, she returned with her son to her home on the Topecki Indian Reserve in New Brunswick. An application to the chief for housing was refused on the grounds that her rights as a status Indian had changed because of her marriage. She and her son lived in a tent for part of 1977, until the weather turned colder. Later, they joined a group of women on the reserve whose occupation of the band office had begun in September of that year to focus attention on the discrimination which non-status Indian women faced, particularly with respect to their housing.

What is interesting about this case is that the Chairperson of the New Brunswick Human Rights Commission at the time suggested that Sandra Lovelace petition the United Nations Human Rights Committee under the optional protocol to The International Covenant on Civil and Political Rights for a declaration that the part of the Indian Act which removed Indian status from women who marry non-Indians was contrary to the covenant. This was a brilliant way of dealing with the negative decisions of the Supreme Court of Canada, especially with respect to the Lavell and Bedard cases. The petition was filed in December of 1977. The Government of Canada did not respond until April of 1980. Canada requested that the United Nations Committee dismiss the petition and affirm the legitimacy of The Indian Act. On July 31, 1981, the United Nations Human Rights Committee found Canada to be in breach of Article 27 of The International Covenant on Civil and Political Rights relating to the rights of minorities. It was not until Section 15 of The Charter of Rights and Freedoms came into force in 1985 that the government repealed Section 12(1b) of The Indian Act, the section which stipulates the loss of status of Indian women who married non-Indian men.

What these cases illustrate is the difference between a human rights model and a bill of rights model of equality. Despite their common underpinning,

human rights legislation and bill of rights law have developed different ideologies, and very different models of equality. As with Lavell and Bedard, the language of the equality protection in the Canadian Bill of Rights requires treating everyone the same regardless of their race, sex or other characteristics. Equality "before" the law was protected, but equality "under" the law was not. The Bill asks us to ignore group characteristics in order to achieve fairness. On the other hand, human rights legislation admits that discrimination against groups occurs because of certain characteristics and requires that inequalities caused by discrimination be remedied. It asks us to face the patterns of discrimination in our society and to change them.

Ten years ago, the same logic that was applied to Lavell and Bedard was applied in the case of Stella Bliss who was fired from her job because she was pregnant. She had worked the required number of weeks to be eligible for unemployment insurance, but was denied her benefits because she was pregnant. Unfortunately, she had not worked the required number of weeks to qualify for maternity benefits. Consequently, Bliss was refused maternity benefits because she did not qualify. In addition, she was refused regular unemployment benefits because she was pregnant. She challenged this refusal on the grounds that she qualified for regular benefits and was refused them because of her sex. The Supreme Court ruled that discrimination on the basis of pregnancy is not discrimination on the basis of sex, since the distinction being made is not between male and female persons, but between pregnant and non-pregnant persons. There seemed to be no recognition of the fact that pregnancy applies only to one sex, that of "female persons."

Women learned from these cases that the courts could not be expected to provide fair, broad, or liberal interpretations to equality language, nor could they be expected to come to sex equality cases with understanding or open minds. Women also learned that the model of equality inherent in the Bill of Rights language could not deliver real remedies to women who were disadvantaged by discrimination. For women, the focus of the Canadian Bill of Rights was narrow, its defense was timid, and it repeatedly defeated the purpose of rights protection repeatedly. The Canadian Bill of Rights had not

proven to be the protection of basic rights which John Diefenbaker envisioned.

In 1980, the Government of Canada, under Prime Minister Pierre Trudeau, moved to patriate the constitution. The Canadian initiative included an amending formula and a Charter of Rights and Freedoms which was, of course, subject to "reasonable limits." When the text of the proposed Charter of Rights and Freedoms was tabled in the House of Commons, women found that it repeated almost exactly the language of the Canadian Bill of Rights. Section 15 as first tabled in the House of Commons read:

> 15(1) Everyone has the right to equality before the law and to the equal protection of the law without discrimination because of race, national or ethnic origin, color, religion, age or sex.

Women, recognizing the limiting implications of the wording, lobbied strenuously and successfully to obtain changes in the language of Section 15 of the proposed Charter of Rights and Freedoms. They insisted that equality under the law, which is what the courts had said was missing in the Lavell and Bedard case, and equal benefit of the law, which was apparently needed in the Bliss case, should be included in Section 15(1) of the Charter. In addition, women supported open-ended protection from discrimination so that grounds other than those named could be covered.

Originally it was proposed that a statement of commitment to equality between men and women be part of a general purpose clause. But women struggled successfully to obtain a specific sex equality provision. They were interested in this for several reasons. In women's cases, the courts' interpretation of The Canadian Bill of Rights was so disturbing that women felt that any new equality guarantees must include specific and extra direction on the subject of sex equality.

Canadian women were also acutely aware of the experience of American women with their courts' constitutional doctrine of "levels of scrutiny." According to the U.S. doctrine, different grounds of discrimination are

accorded different levels of protection. Discrimination on the grounds of race receives the strictest judicial scrutiny. Discrimination on the grounds of sex, however, only receives an intermediate level of scrutiny from the courts. A defender of sex-based discrimination need only show that the classification served an important government interest. Defenders of sex discrimination have more latitude and, as a result, sex discrimination cases are more likely to be lost.

It was because of the levels of scrutiny doctrine in the Constitution of the United States and the impact it has had on constitutional sex equality litigation in that country, that American women mounted the national lobby for the Equal Rights Amendment. Canadian women were equally worried that a levels of scrutiny doctrine would be read into Section 15 of The Charter of Rights and Freedoms. Therefore, they wanted a Canadian equal rights amendment in the Charter to ensure that discrimination against women would not, once more, receive less serious attention than it deserved.

This specific sex equality clause became Section 28 of the Charter and it reads:

> Not withstanding anything in this Charter, the rights and freedoms set out in it are guaranteed equally to male and female persons.

Women and other equality seekers came to the Charter debate with very practical minds. They were aware that many Canadians experienced discrimination on a daily basis because of the traditional patterns of discrimination. They tried to ensure that the Charter would be a meaningful tool which could deliver real equality. They made it clear that guarantees of procedural equality could never bring real equality to women. In order for the new equality section to guarantee substantive equality, it had be able to address the complex and real problems of women's inequality. They tried to cure the ineffectiveness of the "Bill of Rights" law by bringing a "human rights" perspective to the debate, demanding broader and more vigorous

language. This language, women hoped, would be a signal to the courts that new, broader, and more effective interpretations were expected.

The result was an equality guarantee that was very different from that found in The Canadian Bill of Rights. More importantly, it was fashioned by women. Section 15 reads as follows:

> 15(1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, color, religion, sex, age or mental or physical disability.
>
> (2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, color, religion, sex, age or mental or physical disability.

Section 15(2) was a significant new addition because it affirmed clearly that the equality envisioned by this section would require measures to address conditions of disadvantage.

Because the Charter's equality guarantee is very different, it makes the Charter as a whole very different from The Canadian Bill of Rights. The critical difference is that the Charter is part of The Constitution of Canada. This means that it is superior to all laws. Section 52 of the Charter states:

> "The constitution of Canada is a supreme law of Canada, and any law that is inconsistent with the provisions of the constitution is, to the extent of the inconsistency, of no force or affect."

The history of human rights protection in Canada is a history of expanding coverage and increasing recognition that discrimination is group-based and systemic and that it requires remedies that reach to and reverse conditions

of inequality. Section 15 of the Charter is part of this trend to enact and expand human rights protection to reduce inequality.

AFFIRMATIVE ACTION*: THE CANADIAN EXPERIENCE

* This term was used prior to 1982, when the term employment equity was introduced.

The establishment of the federal Royal Commission on the Status of Women in 1967 was the impetus for a serious examination by government of the status of women. One of the issues on which the Commission reported in 1970 was the disadvantaged position of women in the labour force. Inequality in representation in jobs between women and men and inequality in pay rates were among Commission findings. Recommendations, made to the federal and provincial governments, called for equal pay and equal opportunity programs. According to Naomi Griffiths (1976: 225), the Report was the beginning of serious discussions and compilation of reliable data about women in the labour force.

The Royal Commission on the Status of Women was an important factor in initiating government consideration of equal opportunity for women. Scott (1984-85: 8) states that the term, in its strictest sense, "refers to a passive strategy of non-discrimination in employment, its focus is on access rather than results." There are a number of serious problems associated with the concept. Equal opportunity assumes that everyone, regardless of sex, race, colour, or other similar characteristics is treated in the same way. It does not take into account the differences between men and women, for example, their different socialization and their different needs. It is blind to barriers specific to women. It is not enough to legislate that jobs must be open to both men and women. Equality of opportunity cannot be achieved without equality of condition. Special remedial and support measures must be taken to assist women in arriving at equality of condition so that they are in a position to take advantage of opportunities. Equality must also be achieved in results. This requires that special programs be put in place to

ensure that women are represented equitably in the workplace and elsewhere in public life.

The term "affirmative action" refers to programs and measures designed to compensate for the effects of discrimination. The Charter of Rights and Freedoms provides that the Section 15 guarantee of equality does not preclude affirmative action laws, programs or activities. However, there is nothing in the Charter that explicitly calls upon governments to provide such programs.

One important direction for implementation of affirmative action is the Canadian government's signature to the 1981 United Nations Convention on the Elimination of All Forms of Discrimination Against Women. The Convention was essentially a call on national governments to ban discrimination against women. In fact it recommended temporary measures for speeding up equality and action to modify discriminatory social and cultural patterns. Canada's signing the agreement meant that all senior governments in Canada would undertake to adopt the measures necessary to implement affirmative action in areas under their jurisdiction. These measures included equal pay for women and men.

The mandate for government to provide for affirmative action programs or measures lies in the meaning of the word "discrimination." The history of human rights jurisprudence in Canada reflects a growing commitment to egalitarian values. This commitment is manifest in the decisions of tribunals and courts concerning the meaning of discrimination and the types of remedies available to complainants. In "Ontario Human Rights Commission v. Simpson-Sears," the Supreme Court ruled that discrimination need not be intentional to violate human rights protection, and that policies or practices that have an adverse effect on a protected group contravene the law.

Similarly, it has been held that different treatment is warranted where the same treatment will produce unequal effects for members of disadvantaged groups.

It is useful at this point to clarify the difference between intentional (or direct) discrimination, and systemic discrimination. Judge Rosalie Abella, whose contribution as Chairperson of the Royal Commission on Equality in Employment is acknowledged later in this paper, explained intentional discrimination as that resulting from an intentional desire to obstruct someone's potential. Systemic discrimination, she noted, is an accidental by-product of innocently motivated practices or systems.

In "Canadian National Railway Co. v. Canadian Human Rights Commission," known as the Action Travail des Femmes case, it was held that, in a case of systemic discrimination, a systemic remedy is appropriate. The Canadian Human Rights Tribunal found that CN Rail had systemically discriminated against women seeking blue-collar jobs. As a remedy, CN Rail was required to hire at least one woman in every four new persons hired until the representation of women in its blue-collar jobs matched the national level of women's representation in such jobs (13%). On appeal, The Supreme Court of Canada ruled that this systemic remedy was both legal and appropriate in the circumstances.

Mandatory Programs

Affirmative action is not a recent concept in the history of Canada. For example, the federal civil service encouraged certain hiring practices as early as 1918. At that time, The Civil Service Employment Act added a Veteran's Preference Clause to ensure that hiring priority was given to war veterans. The clause was repealed in 1953. It is, to this day, the largest and most powerful affirmative action program ever applied to the federal civil service.

In 1921, directives allowed deputy ministers to specify the gender of candidates for jobs. In addition, married women could be appointed only when they were required to be self-supporting or they could be appointed on a temporary basis when a sufficient number of qualified candidates was not otherwise available. This example from the past reflects the attitudes of

decision- makers and society at that time. The Official Languages Act of 1969 had a very positive impact in revising historic employment disadvantages of Francophones. It recognized the requirement for bilingual fluency in the federal public service and is another example of an affirmative action program. In Saskatchewan, mandatory measures were successfully implemented through resource development surface lease agreements, dramatically increasing the proportion of Aboriginal peoples in the workforces of some corporations to as high as 50% over a 5-year period.

Voluntary Programs

During the 1970s, a number of events occurred to indicate a shift in trends in the political and social environment. The influence of larger numbers of women in the workforce and their greater activity in the political arena caused the beginning of change in the power structure. After the Royal Commission on the Status of Women reported in 1970, various forms of voluntary affirmative action programs for women were implemented within the federal public service.

In 1972, the federal cabinet sent all deputy ministers a directive asking them to take measures to promote the advancement of women to middle and upper positions. At the same time, the Public Service Commission announced the creation of an "accountability" center for women which would report directly to the Commission. It also expanded the training programs offered to administrative - support employees wishing to pursue careers. In addition, it promised that the issues of part-time work and child-care centers would receive particular attention from both the Commission and the Treasury Board.

With the celebration of International Women's Year in 1975 and the embarrassingly poor representation of women in the executive and senior management positions within the federal public service, Jean Chretien, then president of the Treasury Board, sent a new directive. The objective outlined was that within a reasonable time frame, the representation of men

and women should correspond to the proportion of qualified candidates of both sexes. Commencing in January 1976, each department was to submit its annual targets and action plans for approval by the Treasury Board. Advisory bodies were created and invested with the power of inquiry. They reported directly to a minister who was in charge of transmitting the concerns of cabinet.

In the throne speech of April 14, 1980, the government committed itself to establishing a federal public service affirmative action program for women, persons with disabilities, and Aboriginal peoples. On August 1 of the same year, the Treasury Board, Employment and Immigration Canada and the Secretary of State were designated as pilot departments. Two years later, the Public Service Commission and Environment Canada were added. In June of 1983, the program was extended to the entire federal public service.

The Treasury Board was given the mandate of directing operations. In conjunction with the departments, it had to produce an analysis on the status of its employees in the target groups: women, Aboriginal people, and persons with disabilities. It then had to develop an action plan with numerical targets that would enable such employees to make progress. In July of 1985, visible minorities were designated as a specific target group.

In 1983, the Public Service Commission was given the task of creating a Women's Career Counselling and Referral Bureau. Its mandate is to counsel and refer women in middle management who have the potential to reach senior management.

A voluntary approach was encouraged in the private sector as well. By 1979, Employment and Immigration Canada had contacted and attempted to encourage more than 1,400 private sector employers to participate in an employment equity program. However, by July 1984, only 71 companies had agreed to do so. The executives of those Crown corporations interviewed by the Royal Commission on Equality in Employment

acknowledged that reporting alone would not likely be a sufficient incentive to eliminate discrimination.

The Canadian Human Rights Act (sc. 1976 77c33) specifically identifies discrimination in employment. Section 10 states:

"It is a discriminatory practice for an employer or an employee organization

a) to establish or pursue a policy or practice, or

b) to enter into an argument affecting recruitment, hiring...that deprives...an individual or class of individuals...any employment opportunities.

However, this Act also depends upon the individual or group of individuals to bring forward a complaint.

THE EMPLOYMENT EQUITY ERA

The Royal Commission on Equality in Employment was initiated in 1982 by the Honorable Lloyd Axworthy, then Minister of Employment and Immigration. The initiative was a response to the growing concern about employment practices which effectively excluded the designated groups from entry or promotion, whether those effects were intended or not. The Commission was chaired by Judge Rosalie Abella, a Judge of the Ontario Family Court and Chairperson of the Ontario Labour Relations Board. Judge Abella had also been a member of the Ontario Human Rights Commission and of the Premier's Advisory Committee on Confederation. The Commission's mandate was to inquire into the most efficient, effective, and equitable means of promoting employment opportunities for and eliminating systemic discrimination against four designated groups in the Canadian workplace: women, Aboriginal peoples, persons with disabilities, and members of visible minority groups. Included in the process was an

examination of the employment practices of 11 designated Crown and government-owned corporations (Scott, 1984-85: 6).

The "Affirmative Action Handbook" published by the Women's Division of the Saskatchewan Department of Labour in 1981 stated: "Affirmative action is not, as some believe, 'reverse discrimination.' Rather, it assures women of the opportunity to enter the work force and advance according to their ability. It allows for a catch-up period until they are represented in equal proportion to the percentage they represent in the labour market."

The Abella Commission recognized that, for many people, the term "affirmative action" had come to be associated with interventionist government policies. However, there was no doubt about the interpretation of Section 15 of The Charter of Rights and Freedoms. Clearly, positive programming for designated target groups was allowed. The Commission replaced the term "affirmative action" with the term "employment equity," a term which is to be understood as positive remedial programming in the workplace.

As W. List summarizes it, Judge Abella viewed the term as being broad enough to include measures to narrow the wage gap between women and men, to create opportunities for women to move into non-traditional jobs, and to give consideration in the workplace for employees' family responsibilities (1989: 35). She called for a broader understanding of the changes needed to eliminate women's disadvantaged position in the workforce. The broader employment equity concept meant that affirmative action and pay equity merged under the new term, with equal pay for work of equal value being a natural part of employment equity programming. The concept of employment equity refers to the development and implementation of a variety of employment practices.

The 1984 Abella Report, entitled Equality in Employment, stated that the Commission based its concentration on the lower rungs of the occupational ladder because of two factors:

1) intentional or systemic discrimination

2) the difficulty of individuals who belong to groups which are socially and economically disadvantaged in obtaining the knowledge, skills and abilities which would allow them access to both a wider range of jobs and the upper levels of the occupational hierarchy.

By 1984, a number of reports, including those prepared by interest groups, urged the federal government to introduce mandatory programs to bring about substantial changes. In September 1984, the Mulroney government won the largest majority in Canadian history. Flora McDonald was appointed Minister of Employment and Immigration and was thus responsible for receiving the Royal Commission Report on Equality in Employment. She responded quickly and within six months of the tabling of the report, legislation was drafted and introduced in Parliament. Bill C-62, An Act Respecting Employment Equity was tabled in the House of Commons in June 1985.

In July 1985, the United Nations Decade for Women came to an end. In Nairobi, Kenya, Forward-Looking Strategies for the Advancement of Women was adopted at the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace. The strategies provided a blueprint for government action. Among recommendations related to employment was the elimination of wage differentials between women and men carrying out work of equal value. Special measures aimed at the advancement of women in all types of employment were to be consistent with economic and social policies promoting full, productive, and freely - chosen employment.

The Canadian government initiated its strategy. Bill C-62 became law on August 15, 1986. Administered by Employment and Immigration Canada, The Employment Equity Act requires that federally regulated companies who employ 100 or more employees implement employment equity. These companies must submit annual progress reports to Employment and Immigration Canada. The Treasury Board of Canada established a policy

which requires federal Crown Corporations to implement employment equity programs. Annual action plans must be submitted for approval by the Treasury Board.

Another important equity initiative, The Federal Contractors Program, was introduced in the same year. The program affects companies with 100 or more employees tendering for goods and/or services contracts of $200,000 or more. As a prerequisite to bidding, they must sign a Certificate of Commitment certifying that they will implement 11 employment equity criteria (see section on Federal Contractors Program).

In addition, each federal department developed and began to implement a plan to ensure more equitable representation of women, as well as of Aboriginal peoples, persons with disabilities, and visible minorities.

THE EMPLOYMENT EQUITY ACT

This Act is composed of 14 sections and applies to those employers and their employees who are covered by federal labour regulations. These include Crown corporations, banks, radio and television stations, airlines, shipping enterprises and navigation, inter-provincial trucking, telegraphs and railways. November 1, 1990 figures show that the Act covers 367 employers under federal jurisdiction, with a combined workforce of approximately 630,000 employees. The following are highlights of the Act:

S.2 **Purpose**

To achieve equality in the workplace so that no person shall be denied employment opportunities or benefits for reasons unrelated to ability.

...also requires special measures and the accommodation of differences.

S.4 **Employers' Duty**

(a) identify and eliminate each of the employer's employment practices...that results in employment barriers against persons in designated groups; and

(b) institute such positive policies and practices and making such reasonable accommodation to ensure persons in designated groups achieve a degree of representation in the various positions...that is at least proportionate to their representation...in the workforce...from which the employer may be expected to draw or promote employees.

S.5 **Plan of Goals**

An employer shall prepare a plan setting out

(a) the goals the employer intends to achieve in the year or years to which the plan relates; and

(b) the timetable for the implementation for those goals

S.6 **Employer Must File**

On or Before June 1, 1988...and each year thereafter, every employer shall file...a report...

S.7 **Offense**

An employer who fails to comply is guilty of an offense and is liable on summary conviction to a fine not exceeding $50,000.

S.10 **Copies of Report**

Each report...under Section 6 shall be available for public inspection.

These are some important definitions included in the Act.

Designated Groups, a term which relates specifically to women, visible minorities, persons with disabilities, and Aboriginal peoples;

Special Measures, which are strategies to improve the representation of the designated groups and would include such actions as recruitment strategies; and,

Reasonable Accommodation, which requires that employers recognize legitimate differences among designated group members, and take steps to accommodate these differences, including such actions as providing special equipment designed to accommodate handicapped individuals or allowance for flexible schedules to accommodate religious holidays.

THE COMPLIANCE MECHANISM

Compliance with the Act is described in Section 7 (see Appendix I), which requires that designated employers submit an annual report to the Employment Equity Branch of Employment and Immigration Canada or be subject to a fine up to $50,000. This branch of Employment and Immigration Canada is responsible for administering the Act and comparing company statistics to those of Statistics Canada for 11 occupational groupings in order to determine the extent of under-representation of the designated groups and to determine in which categories they are under-represented.

Extensive employment equity regulations have been filed by the federal government to accompany the Employment Equity Act. More than 50 pages of regulations and forms contain detailed definitions of the designated target groups, as well as step-by-step instructions for completing these required reports. Each report consists of the following six forms:

> Form 1: Employee identification, report summary and certification of accuracy.
>
> Form 2: Occupational groups: permanent full-time, permanent part-time and temporary employees. (This contains information about the top and bottom of the salary range for various occupational groups, broken down by designated target groups.)

Form 3: Salary summary: permanent full-time, permanent part-time, and temporary employees. (This sets out the number of people from each designated target group within the various salary ranges).

Form 4: Permanent full-time, permanent part-time and temporary employees hired (broken down by occupational group and number from each designated group).

Form 5: Permanent full-time, permanent part-time and temporary employees promoted (broken down as above).

Form 6: Permanent full-time, permanent part-time and temporary employees terminated (broken down as above).

Employment and Immigration Canada is responsible for assisting employers with reporting and for validating and consolidating these data. The consolidated information is distributed to all public libraries across Canada and to the Canadian Human Rights Commission. However, Employment and Immigration Canada does not comment on the quality of employers' programs since the employers are not required to submit their plans and goals.

Under the Employment Equity Program, the Canadian Human Rights Commission has the authority to investigate a company which has voluntarily complied and submitted a report. The Commission can enforce Section 10 of The Canadian Human Rights Act if, based on what appear to be inequities in the survey data submitted, it believes the company is discriminating. Under Section 41(2) of The Canadian Human Rights Act, the Commission can "impose upon an employer a program tailored to specifically address systemic discrimination in hiring and promotion of a disadvantaged group." The fact that the Canadian Human Rights Commission can initiate a complaint based on the annual reports represents the major difference in the powers of this Act compared to other previous affirmative action legislation.

According to Employment and Immigration Canada, the Canadian Human Rights Commission is currently in the process of investigating the major banks, the Canadian Broadcasting Corporation, and Canada Post because their 1988 annual reports indicated significant under-representation of the designated groups. The government believes that interested parties can bring concerns to the attention of the Commission by means of public access to company annual employment equity reports, and according to Employment and Immigration Canada, people are making their wishes known. For example, the Disabled Persons Employment Equity Coalition has requested that the Canadian Human Rights Commission investigate mentioned companies on their behalf. The Coalition's review of the public documents has led them to conclude that many companies have not made an appropriate effort to increase the number of disabled persons through employment equity. However, no decision has been rendered at the time of this report.

At the time of the 1989 Annual Report of the Canadian Human Rights Commission, one compliance case had been recorded. Execaire Inc. failed to file a report in 1988. Charges have been laid but the case is also pending. In the interim, the company has filed a report.

THE FEDERAL CONTRACTORS PROGRAM

The federal contractors program, another employment equity program, affects a wide range of companies across Canada in virtually every sector of industry. The objective of the program is to ensure that companies contracting with the government achieve and maintain a representative workforce by ensuring equity in employment for the four designated groups.

The five steps in the program are certification, implementation, compliance review, appeal and sanctions. The 11 criteria for the Federal Contractors Employment Equity Program contain the standard steps for implementation under the Employment Equity Act.

The requirements are:

1. Communication of management's commitment to employment equity;
2. Assignment of responsibility;
3. Information gathering;
4. Analysis of data;
5. Changes to human resource policies;
6. Setting of goals;
7. Establishing a work plan;
8. Adopting special measures;
9. Establishing a favourable climate;
10. Monitoring;
11. Inspection by Employment and Immigration Canada.

Employers with 100 or more employees and $200,000 or more in bids on federal contracts are required to commit to implementing employment equity in the workplace and must certify this commitment as a condition of their bid. They do not, however, have to submit an annual report. Employers who do not initially comply are given an opportunity to initiate remedial action to be taken within a 12 month period. If at the end of that period they have failed to comply, they are considered to be in breach of their contractual obligations and can be denied federal contract opportunities.

To date, two contractors have been sanctioned and have lost the right to bid on contracts. The Northern Alberta Dairy Pool and Freed and Freed Co. were both struck from the bidders' list of Supply and Services for failing to comply in 1988 and 1989. These companies were subsequently reinstated. In the case of Freed and Freed, it is important to note that they were highly dependent on government contracts. The period during which they were suspended from bidding apparently resulted in layoffs.

The implications for compliance under this program could be significant. However, the current rules allow for a significant time period of 12 months in which remedies can be made. Construction contracts are currently exempt and are not required to implement employment equity programs.

As of September 1990, 1,347 employers in Canada have signed the Certificate of Commitment; 842 of these currently have contracts with the federal government. Regarding the final criterion, (inspection by Employment and Immigration Canada), 189 are currently under review. The signing of the Certificate of Commitment entitles representatives of Employment and Immigration Canada to have access to the premises and the records on the employment status of members of the designated groups. The government conducts in-depth "compliance reviews" on-site to assess compliance with the program criteria, determine the extent of the contractor's efforts, assess the results obtained, and measure the performance levels attained.

In Alberta, 78 employers have signed the Certificate of Commitment but only 38 have actual contracts with the federal government. Six companies or institutions are currently under review in Alberta by Employment and Immigration Canada.

THE RESULTS OF THE FEDERAL EMPLOYMENT EQUITY INITIATIVE

The 1989 Employment and Immigration Canada Annual Report lists the changes which were made under the Act in spite of the low growth rate of 1.4% in the workforce. Women increased their representation from 40.9% to 42.1%. Aboriginal peoples increased theirs from .66% to .73%; persons with disabilities moved from 1.6% to 1.7%; and members of visible minorities increased from 5% to 5.7%.

Each designated group had an increased share of full-time hirings. Women and members of visible minorities also had an increased share of full-time promotions. Judging from the data submitted by the 374 companies

currently covered by The Employment Equity Act, extra initiatives have also been undertaken by employers. They include: the negotiation of employment equity claims into collective agreements; the establishment of joint management-union employment equity committees; the initiation of "bridging"* and on-the-job training programs for designated group employees; child-care subsidies; and the allocation of funds to support special measures for designated groups. *"Bridging" is a strategy to assist in promotions of the target group within the organization. Intermediate positions are established through which the target group employees are able to move into higher or different jobs for which they would otherwise not be qualified.*

Public scrutiny is very important in the implementation of the Act. Moreover, the complementary relationship that exists between The Employment Equity Act and The Canadian Human Rights Act gives it additional strength. Copies of the employers' reports are sent to the Canadian Human Rights Commission, providing information for the first time on the status of the designated groups within specific organizations. Ninety-seven percent of the employees covered by the Act sent in their reports by June 1 1988, as required.

As the enforcer of employment equity legislation, the Canadian Human Rights Commission has some reservations about the current law. The section on Equity at Work in the Canadian Human Rights Commission's 1989 Annual Report provides an assessment of the success of The Employment Equity Act. The Commission states that "without an unequivocal commitment at the most senior levels of management," the changes envisaged by the Act will not be accomplished. The process of change currently provided by the Act will take time. The Commission acknowledges that some activists advocate mandatory requirements and sanctions to replace the current "paper tiger." However, the Commission itself hopes for a collaborative approach while stating that a "better law" is needed. In preparation for the Act's Parliamentary review in 1991, the Commission will "continue to argue that amendments are essential, not only to put to rest any doubts about the obligations of those institutions covered by the Act, but also to give the Commission clearer authority to monitor

compliance and ensure that there is genuine progress towards the objectives envisaged by Parliament" (1989: 33).

The Commission's assessment of the effectiveness of the Act is that accomplishments leave "much to be desired." The Commission notes that the overall growth in the target areas was highest for women, but amounted to only 1.22%. However, a portion of these "very modest" gains could not be attributed to employment equity action (Annual Report, 1989: 35).

In his article on issues and policy with respect to employment equity legislation, Jain states "that both The Employment Equity Act and the Federal Contractors Program are problematic. The main criticisms concern the lack of specific goals and timetables, systemic monitoring mechanisms, and effective sanctions for non-compliance (1990:491). He sees adoption of special measures to ensure that attainment of goals, and the identification and elimination of employment barriers as the most vital criteria for achieving real impact.

W. List notes some of the strengths of the Act. The publication of annual reports of employers and potential action by the Canadian Human Rights Commission provide strong incentives for paying more attention to hiring, promotion, and other processes related to employment (1988: 16).

Perhaps the issue of effectiveness of employment equity legislation is best summed up by Jain who views the legislation as "likely to be beneficial to women and minorities" (1990:490) but cautions that success is conditional on amendments. Employers should be required to "(a) make public their employment equity plans along with numerical goals and timetables; and (b) keep and make public both the stock and flow data by minority and non-minority status." Jain suggests that The Federal Contractors Program should be strengthened and enforced vigorously by new regulations addressing, in addition to those mentioned for employment equity legislation, a range of penalties for failure to comply; inclusion of sub-contractors; and a broader coverage (1990:491-2).

Currently, member countries of the Organization of Economic Co-operation and Development are studying Canada's Act, as it exemplifies a new approach to achieving a representative workforce.

The Employment Equity Act stipulated a review by Parliament of the provisions, operations and effects of the Act by 1991. Currently, the Employment Equity Branch of Employment and Immigration Canada is circulating a Discussion Paper with suggestions that the Act could be amended to cover all federally-regulated employers and Crown corporations regardless of the number of employees. Since this might be controversial, an alternate proposal was provided to lower the current level of 100 employees to 75 or 50. Another suggestion for expanding the Federal Contractors Program would be to incorporate those companies with bids of $50,000 or more. Other proposals concerning possible directions for the Employment Equity Act are laid out in the Discussion Paper circulated for comments in the summer of 1990 *(see Appendix II)*.

EMPLOYMENT EQUITY IN THE FEDERAL PUBLIC SERVICE

In July 1988, Treasury Board President Pat Carney announced federal government employment equity targets for women for 1988-1991, Aboriginal peoples, persons with disabilities, and members of visible minorities. The government plans to increase by one-third the number of women in the management category by March 31st, 1991. Women would then represent 15.2% of the public service, a total of 678 jobs, up from 10.6% or 481 women in December of 1987. For the first time, federal departments are required to set targets for visible minorities. The target is 3.1% by March of 1991. Targets for Aboriginal peoples have been set by occupational categories and the federal government plans to hire an additional 1,405 aboriginal workers over the next 3 years to reach its goal of 2.5% representation by March of 1991. The federal government target for disabled persons is 3.3% of the public service jobs by 1991 (see *Appendix II)*.

The 1988 Annual Report of the Public Service Commission of Canada includes a report on the employment equity efforts of the Commission. In 1988, the two major objectives were the delivery of special measures programs, and the gradual integration of the employment equity principle into the normal staffing process. The Public Service Commission assists federal departments in meeting their employment equity objectives. Numerical objectives are reviewed and approved each year by Treasury Board Ministers. The activities of the Commission include soliciting applications from members of the designated groups through contacts with community associations; maintaining an inventory of qualified candidates; providing career advice and assistance; and ensuring that qualified designated group members are referred to managers for development assignments. The Commission also provides labour market analysis on the availability of designated group members for specific occupational categories. Special measures programs were extended to March 1993. These include the ACCESS Program for Disabled Persons, the Visible Minority Employment Program, the National Indigenous Development Program, the Women's Career Counselling and Referral Bureau, and Option: Non-Traditional Occupations Program for Women. With the exception of the Option program, these special measures programs focus primarily on positions at the officer and managerial levels. The Commission's report contains statistics on the representation of women by occupational category which demonstrate clearly that a vast majority of women are still in the administrative support group and that this number has, in fact, increased. The second largest group of women is found in the administrative and foreign service category. However, in 1988, 57 women were placed in non-traditional groups in 16 federal departments.* . In 1988, women accounted for 12.3% of the management category, or 559 out of a total of 4,537 managers. *(An occupational group is considered non-traditional if both the current representation of women in the group and their external availability in the workforce is less than or equal to 30%.)*

FROM THERE TO HERE: AN OVERVIEW OF SOME PROVINCIAL INITIATIVES IN EMPLOYMENT EQUITY AND PAY EQUITY

All jurisdictions in Canada have some form of pay equity or equal pay legislation designed to address the issue of wage inequality between men and women in the workplace. A history of equal pay legislation in Canada shows that it has followed four distinct phases in protecting women from pay discrimination.

The Evolution of Equal Pay Legislation:

Phase 1 Equal Pay for Equal Work

This principle requires that male and female employees be paid the same wage for doing identical work. This legislation exists in every province.

Phase 2 Equal Pay for Similar or Substantially Similar Work

This principle applies to situations where male employees and female employees may have different job titles, but perform substantially the same work. This type of legislation also exists in every province.

Phase 3 Equal Pay for Work of Equal Value

This concept differs radically from the two proceeding ones in that it does not compare work, but the value of work. Value is determined by job evaluation techniques. Thus, comparisons can be made between dissimilar jobs.

Phase 4 Pay Equity

> All three above approaches have one thing in common. They are enforced by a complaints system. A complaints system of enforcement is usually based on the assumption that violations are the exception -- not the rule. Pay equity is based on the assumption that wage discrimination against women is endemic to the economy and requires a broad and systemic remedy. This phase of equal pay legislation abandons the complaint system of enforcement in favour of a regulatory model (Kelly, 1988: iii-iv).

At the beginning of 1990, Alberta, British Columbia, Manitoba's private sector, New Brunswick, Newfoundland, Nova Scotia, Prince Edward Island, Saskatchewan, the Northwest Territories, and the Yukon's private sector were at Phase 2. The federal jurisdiction, Quebec, and the Yukon's public sector were at Phase 3. Manitoba, Nova Scotia, Prince Edward Island's public sector, and both Ontario's public and private sector were at Phase 4. British Columbia announced pay equity for the public sector in September 1990.

The federal government has draft amendments which, if and when accepted, will move that jurisdiction into Phase 4 as well. The Canadian Human Rights Commission has circulated a discussion paper outlining the issues involved in moving from a complaint-based system to an employer-initiated system of pay equity. The paper is expected to lead to the introduction of amendments to The Canadian Human Rights Act.

British Columbia

a. Employment Equity

The British Columbia Human Rights Council is responsible for adjudicating complaints of sex discrimination in wages, under Section 7 of The British Columbia Human Rights Act. The Ministry of Labour and Government

Management Services, Consumer Services has attempted to foster voluntary initiatives to promote equity in employment. However, there is no legislation for mandatory employment equity and voluntary compliance is minimal.

In its March 16, 1989 Throne Speech, the British Columbia government recognized the need for policies and programs to ensure equal access and opportunities for all citizens of the province. During that session of the Legislature, a Ministry of State Responsible for Women's Issues was established. Some of the responsibilities of this ministry are to assess the government's programs in assisting workers with family responsibilities, and to review women's access to skills and training programs.

The Women's Secretariat and Youth Council co-ordinates government initiatives related to women and young people. It ensures that issues affecting these groups are represented at the most senior levels of government. Its mandate is to ensure that women and young people are full and equal participants in the social and economic life of the province. The Secretariat's role is to provide leadership, co-ordination, facilitation, consultation, and advice in all areas affecting women and youth.

b. Pay Equity

In the Speech From The Throne on April 5th, 1990, Premier Bill Van der Zalm's government included a promise to introduce pay equity legislation in British Columbia. Pay equity was announced for the public sector in September 1990.

Manitoba

a. Employment Equity

To date, Manitoba has continued to use the term "affirmative action."

The Manitoba Human Rights Code was revised in December 1987, to provide exemptions under the Code for affirmative action plans and special programs that promote the socio-economic welfare and equality in status of the four designated groups. Investigation of a program will be undertaken if a complaint is made to ensure there has not been a contravention of the Code.

The revised Code also includes the concept of remedies to be made available to a Board of Adjudication. Remedies may include an order for the initiation of affirmative action programs if the Board finds a pattern or practice of discrimination.

A section was also added to the Code for the establishment of Advisory Opinions. An applicant can seek the advice of the Commission in advance in order to determine whether a special program or affirmative action plan is in compliance with the Code. If the program is deemed to be in compliance, then the Advisory Opinion is binding to the applicant.

In June 1983, the Civil Service Commission, in partnership with the Manitoba Government Employers' Association, signed a policy statement on affirmative action and the establishment of special measures for addressing systemic discrimination for women, Aboriginal peoples, members of visible minorities, and handicapped persons. All government departments and agencies, in conjunction with union representatives, have filed plans with the Assistant Deputy Minister of the Civil Service Commission. A monitoring and communication program is integral to the establishment of the plans. This program is overseen by the Affirmative Action Central Steering Committee which consists of three deputy ministers and three union representatives. The first report of the Manitoba Government's Affirmative

Action Program was tabled last year. It recommended the extension of affirmative action to Crown corporations and agencies of the government and called for contract compliance. These recommendations have been approved in principle by the Cabinet of the Manitoba government.

b. Pay Equity

In 1985, Manitoba passed The Pay Equity Act. The Act sets out a process and timetable for achieving pay equity in the provincial public sector, including the civil service, Crown corporations, 23 hospitals, and four universities. Since then, Manitoba has signed a pay equity agreement with health workers. In December 1990, the Pay Equity Bureau published a Policy Framework for the Implementation of Pay Equity for Non-Teaching Employees in Manitoba School Divisions.

Manitoba's legislation has no complaint mechanism. The legislation places the responsibility to correct pay inequities on the employer. It also requires negotiation and co-operation between the employer and employee representatives. Negotiations address the questions of which job evaluation system to use, which jobs to evaluate, and what wage adjustments to apply. Pay adjustments are phased in over 4 years and are to total no more than 1% of payroll in any one year. The Act also states that the wages of employees may not be reduced as a result of pay equity.

New Brunswick

a. Employment Equity

(Employment and Immigration Canada Policy Directions: Employment Equity in Canada Conference, October 14 - 15, 1987:34)

> In March 1984, the Women's Directorate was created and given the responsibility to initiate and develop government policies and programs to enhance the social, economic and legal status of women in New Brunswick. It was also given the mandate to develop the New Brunswick Government's Employment Equity Program and related policies with respect to the employment and advancement of women in the New Brunswick civil service.
>
> A background study prepared by the Women's Directorate was tabled in the Legislature on May 9, 1986. It included provisions for the Women's Directorate to monitor and report on the Employment Equity program. Departments, under the direction of a Board of Management, have prepared three-year action plans which are updated annually.
>
> The first annual report on the Employment Equity Program was prepared by the Women's Directorate and tabled in the Legislature by the Minister Responsible for the Status of Women in June 1987.
>
> The Women's Directorate has worked toward creating a climate favorable to the successful implementation of Employment Equity, including the development of training seminars, workshops, an implementation manual, brochures and a number of other resource materials.
> *(Employment and Immigration Canada Policy Directions: Employment Equity in Canada Conference: October 14 - 15, 1987: 34).*

The Employment Equity Program was implemented in 1986. In 1987, the government announced the extension of employment equity for women to the private sector on a voluntary basis. Under the direction of the Women's Directorate, private sector employers are encouraged to implement the program. The Directorate develops educational strategies to inform employers. In 1988, the Directorate became a small central government

department, reporting directly to the Minister Responsible for the Status of Women. The Directorate monitors, develops policy for, and prepares an annual report on employment equity.

b. Pay Equity

The New Brunswick Pay Equity Act was proclaimed in force on June 22, 1989. The purpose of the Act is to implement pay equity in Part 1 of the Public Service. This includes all government departments, the Civil Service Commission, regional library branches, the Liquor Licensing Board, the Women's Directorate, and numerous other commissions and corporations. It does not include school districts, hospitals, the Electric Power Commission, or the Workers' Compensation Board.

Newfoundland and Labrador

a. Employment Equity

The Human Rights Code "was amended in 1983 to permit the Human Rights Commission to approve special programs designed to prevent disadvantages where these disadvantages are based on race; religion; religious creed; sex; marital status; physical disability; mental disability; political opinion; color or ethnic, national or social origin; or age in employment (19 - 65 years). An employer interested in implementing an employment equity program must obtain permission from the Commission." *(Employment and Immigration Canada Policy Directives: Employment Equity in Canada Conference, 1987:35).* There is no pro-active legislation.

b. Pay Equity

In May 1988, Premier Brian Peckford announced the Government of Newfoundland's policy on pay equity. The province's pay equity initiative is pro-active. It uses collective agreements as its mechanisms. An article in Equality at Work (1989: 5) reports that in the fall of 1988, the government

reached agreements with five of its public service unions. Pay equity negotiations involved government departments, Crown corporations, health care facilities, external agencies, and community colleges and institutions.

Northwest Territories

a. Employment Equity

The Northwest Territories have continued to use the term "affirmative action."

In February of 1985, the government created the Native Employment Policy. A few months later, in May of that year, the Equal Employment Directorate was established. "Its role is mandated by the Native Employment Policy. This policy, which endorses employment equity, emphasizes the training, employment, and promotion of native people within the Public Service" *(Employment and Immigration Canada Policy Directions: Employment Equity in Canada Conference, 1987: 37).*

The Directorate's functions include advising senior management and the Executive Council on employment, training, and promotion of Aboriginal people, women, and disabled persons; co-ordination and promotion of affirmative action planning, evaluation, and reporting; assisting in development of strategies to implement affirmative action; developing a data base of statistical information on representation of groups in the public service. Its mandate was to be broadened to include affirmative action for women and disabled persons by April 1, 1986.

The Native Employment Policy specified that in all competitions in the public service, preference would be given to applicants eligible under this Policy. In the contract tendering process, successful firms must agree to hire an acceptable number of northerners, especially Aboriginal peoples.

A study by Inukshuk Management Consultants criticized the Policy for its wrong assumptions about the true nature of the problem and the length of time and resources required to deal with it. It has been said that Aboriginal peoples were not kept out of the public service but rather could not get in because of the severe shortage of sufficient education and skills training available to them. Furthermore, the policy was introduced without consideration for financial costs and non-financial resources. This led to a whittling down of departmental budgets for affirmative action plans. In addition, departments failed to produce human resource plans and did not have a capacity for doing so.

There were, however, some secondary benefits. A significant number of Aboriginal people, who constitute the majority of the population of the Northwest Territories, received training under the Policy and others found employment in the public and private sectors. Government employees accumulated practical experience with designing and introducing affirmative action policy.

In March 1989, the Native Employment Policy was replaced by a new Affirmative Action Policy. The Equal Employment Directorate's mandate was broadened to include women, persons with disabilities, and non-Aboriginal people born in the Northwest Territories.

b. Pay Equity

There is no pay equity legislation in the Northwest Territories. The Fair Practices Act requires equal pay for similar or substantially similar work.

Nova Scotia

a. Employment Equity

Employment Equity is included in the mandate of the Women's Directorate created on October 17, 1988. Previously, it was monitored by the Nova

Scotia Human Rights Commission. To date, no procedures for implementation or enforcement have been legislated.

b. Pay Equity

The government of Nova Scotia introduced pro-active pay equity legislation in May 1988. It allows for a two-level implementation process with the first level affecting all employees of the provincial government and the two major hospitals, the Victoria General and the Nova Scotia, both in Halifax. The classification plan began in September of 1988. A formula has since been adopted. The first level was to conclude its analysis of the positions to be affected by the legislation by 1990. The second level includes all municipalities and universities, with analysis beginning in 1990. The legislation does not include a complaint mechanism.

The Nova Scotia Pay Equity Commission was appointed in February 1989, with a mandate to adjudicate any discrepancies in the classification formula adopted. Public Service employees must be compensated up to 1% of the total salary budget for the provincial public service, within a four-year period after the completion of the analysis of the job classifications. In achieving pay equity, no employer shall reduce the pay of any employee or move any employee to a lower step of a range of pay that has been adjusted upward.

A public consultation process was started in late 1990 on the issue of how the current Pay Equity Act could be made more comprehensive. A Department of Labour press release reported that since then, the Nova Scotia Pay Equity Commission has made 7 recommendations.

Ontario

a. Employment Equity

The Ontario Women's Directorate, established in 1983, specializes in employment equity for women through its Consultative Services Branch.

The Branch is responsible for the development and co-ordination of the Employment Equity Program for Crown employees who are women. By the establishment of the Affirmative Action Fund in 1984, which became the Employment Equity Incentive Fund in 1986, and the Change Agents Program in 1986, the Branch encourages the development, implementation, and expansion of employment equity programs in the broader public and private sectors. The Human Resource Secretariat within the Ontario Public Service Commission has a recently expanded mandate which includes the implementation of employment equity in the Ontario Public Service.

The Incentive Fund began with $4.3 million in 1984. It was renewed in 1986 for an additional 5 years and received an additional $12.3 million. Considerable activity in the development of employment equity programs has been generated as a result of this Fund. To date, 102 of the 126 large school boards, 154 of the 222 large hospitals, all post-secondary institutions (consisting of 18 universities and 22 community colleges), and 24 of the 100 large municipalities have received funding and have developed employment equity programs.

The Race Relations Directorate, under the auspices of the Ontario Human Rights Commission, has as its objective "the promotion of racial harmony by eliminating racial intolerance and removing social disadvantages." "In order to further this objective, the Race Relations Directorate has expanded its employment equity consulting service. This service provides technical assistance to the private sector in developing employment equity programs that enhance opportunities for visible minorities" *(Employment and Immigration Canada Policy Directions: Employment Equity in Canada Conference: 1987: 43).*

The Handicapped Employment Program within the Ontario Ministry of Labour has a similar mandate to increase employment opportunities through the provision of an employment equity consulting service for persons with disabilities in Ontario's private sector.

In February 1991, the Ontario government appointed the first employment equity commissioner. She is responsible for establishing an employment

equity commission to encourage companies to hire and promote more women, persons with disabilities, and members of visible minority groups.

b. Pay Equity

The Ontario Pay Equity Act was proclaimed on January 1, 1988. The Act made it mandatory for all employers in the public and private sector with 10 or more employees to develop and implement pay equity plans. These plans must ensure that their salary and wage scales are based on the value of work performed, regardless of the sex of the person doing it.

All public and private sector employers with 100 or more employees must prepare and post pay equity plans. The plans must include the results of the comparison, methods for adjusting compensation to achieve pay equity, and the date on which the adjustment will be made.

Pay adjustments must be made if it is discovered that women are paid less than men for work of equal or comparable value. Employers may limit annual pay equity adjustments to 1% of the previous year's total Ontario payroll. In the public sector, adjustments must be effected within seven years of the proclamation of the Act. In the private sector, employers have unlimited time to achieve pay equity.

The Pay Equity Commission of Ontario was also established. The Commission consists of the Pay Equity Hearings Tribunal and the Pay Equity Office. The Commission has been criticized for not serving many women who work in fields so predominantly female that comparisons with male workers can rarely be made.

In December 1990, the Ontario Minister of Labour announced expansions to the scope of the Act. The new measures will affect 4,000 additional employers with work forces of between 100 - 500 employees requiring them to post their plans for achieving pay equity. Amendments to the Act are to be introduced in the spring of 1991. The self-management process currently

in place will be maintained, which means that employers and unions will continue to negotiate pay equity plans.

Prince Edward Island

a. Employment Equity

Prince Edward Island has no existing law or policy with respect to employment equity.

b. Pay Equity

The province does have legislated pay equity. The Prince Edward Island Pay Equity Act was proclaimed on October 1, 1988 and came into effect on January 1, 1989. The pro-active Act applies to the Civil Service, Crown corporations, Boards and Commissions, the University of Prince Edward Island, and hospitals licensed under the Hospital Acts. Pay equity is to be jointly negotiated and implemented by employers, unions, and non-unionized employee representatives. No employer is required to allocate more than 1% of the payroll each year. Where parties fail to reach an agreement, the Commission of Pay Equity will refer the matter to an arbitration board which shall decide all outstanding issues.

The P.E.I. Commissioner of Pay Equity announced in November 1990 that the government, the P.E.I. Union of Public Sector Employees, and representatives of the government's excluded employees had signed a pay equity agreement. It includes pay adjustments for 103 out of a total of 150 female-dominated classes. In addition, the Joint Employee-Employer Pay Equity Implementation Committee completed its work on the pay equity compliance process.

Quebec

a. Employment Equity

Quebec continues to use the term "affirmative action."

The implementation of affirmative action programs in Quebec is based on Part III of The Quebec Charter of Human Rights and Freedoms. Part III was proclaimed in 1985. These provisions were added to the Charter by The Act To Amend The Charter of Human Rights and Freedoms which was passed by the National Assembly on December 18, 1982.

According to the terms of Section 86.1 of the Charter state the following:

> The object of an affirmative action program is to remedy the situation of persons belonging to groups discriminated against in employment, or in the sector of education or of health services and other services generally available to the public. An affirmative action program is deemed non-discriminatory if it is established in conformity with the Charter.

(Employment and Immigration Canada Policy Directions: Employment Equity in Canada Conference, 1987: 53)

Part II states that the goal of affirmative action is to remedy discriminatory situations in the areas of employment and in the sectors of education, health, and other services generally available to the public. A regulation was added in 1986 with respect to mandatory affirmative action programs imposed by the courts or recommended by the Quebec Human Rights Commission. Also in 1986, the Human Rights Commission released guidelines for voluntary programs.

The Affirmative Action Program Branch is part of the Quebec Human Rights Commission's investigative branch though its files do not constitute or serve as investigation files. The Branch provides a consultation service which takes into account the present situation of the organization which asks for assistance. It also provides technical assistance with respect to statistical data and arranges information meetings and training seminars.

To enhance the success of such programs and to make affirmative action a familiar fact of life, the government adopted a three-year plan of action which provides financial and professional backing for organizations which initiate affirmative action programs for female employees. For example, under the direction of the Secretariat à la Condition Feminine, some 20 projects have been initiated. Target groups are employers in the education, health, and social services fields, as well as municipalities. Companies involved receive assistance of up to $ 50,000 for their participation in the plan.

In April 1989, Quebec introduced a contract compliance program. It is similar to the federal government's program, but has an added element by including firms and organizations which receive government grants. Employers, and their sub-contractors, with more than 100 employees, which submit tenders of $100,000 or more for goods or services must commit themselves to affirmative action for Aboriginal people, women, and members of visible minority groups. Separate legislation, An Act to Secure the Handicapped in the Exercise of their Rights, is designed to ensure equitable hiring of persons with disabilities.

According to Susan Edwards-Nakai, a consultant with William M. Mercer Ltd., employers had not anticipated such a strict contract compliance program. Unions tended to be supportive of the program as it applied to the interest of the general membership. However, they saw difficulties with the issue of making exceptions to seniority positions in order to improve target representation (1989: 70).

b. Pay Equity

Section 19 of Quebec's Charter of Rights and Freedoms provides for equal pay for work of equal value. The law has been in place since 1985. The legislation is complaint-based.

Saskatchewan

a. Employment Equity

Saskatchewan uses the term "employment fairness" or "affirmative action."

The Government of Saskatchewan developed Employment Fairness Plans to ensure that women, persons of Aboriginal ancestry and persons with physical disabilities are treated fairly with respect to employment in the public service. These plans were approved by the Saskatchewan Human Rights Commission in June of 1987 and reaffirmed in July of 1989. Both public service unions have agreed to these plans.

The Saskatchewan Human Rights Commission receives applications and approves programs in the private sector, government, and education systems. The Commission also monitors implementation of the plans. A Board of Inquiry may order an affirmative action program if discrimination is found.

The province's first affirmative action plan in the workplace was implemented in 1980. A November 1989 Human Rights Commission report showed that there were only 33 plans in existence at that time: 8 in the workplace, 6 in training institutions, and 19 in public and separate school systems. It is of significance that all but one program have been implemented by provincial and municipal government employers or Crown corporations. According to the Executive Director of the Commission, contract compliance is needed to get affirmative action going.

Of importance in the development of public service employment fairness plans were the agreements worked out with public sector unions. Plans are now in effect applying to Saskatchewan Government Employees' Union positions in the public service and to positions in Local 600 of the Canadian Union of Public Employees.

Saskatchewan Human Resources, Labour and Employment works with federal and provincial departments and agencies to co-ordinate programs. Participating employers are encouraged to hire target group members. The department also identifies employment opportunities to develop training systems to ensure target group members are training to meet future labour demands.

As of March 1990, 25% of all management and professional level employees were women, compared to only 10% six years earlier. The percentage of women in non-traditional positions increased from 8.7% in 1987 to 18.5% in 1990. As of March 1990, 3% of all government employees were of Aboriginal ancestry and 2.3% were persons with physical disabilities.

Round-table hearings on the issue were held in 1990. As a result, Consensus Saskatchewan has recommended that employment equity be implemented in all government sectors. The Department of Human Resources, Labour and Employment is examining the implication of this recommendation on Crown corporations and rural and urban municipalities.

b. Pay equity

The Saskatchewan Human Rights Commission hears and adjudicates equal pay complaints under The Labour Standards Act.

Yukon Territory

a. Employment Equity

The Yukon's employment equity policy derives from The Yukon Human Rights Act and The Canadian Charter of Rights and Freedoms. It applies to all provincial government departments. The current targets are women, Aboriginal peoples, and persons with disabilities. Policy objectives are to equally represent these groups in the public service, to identify and remove barriers and to advance target group members, to implement special

measures and program support, and to contribute to fair and equitable access to employment opportunities and benefits of the Yukon government.

The policy is co-ordinated, designed, and guided by the Public Service Commission. The Commission reports and makes recommendations to the Minister who is responsible for recommending plans to the Management Board. An Implementation Committee in co-operation with the Public Service Commission, is responsible for implementation. The Director of Employment Equity provides support services to the Implementation Committee as well as to the Employment Equity Advisory Committee which advises the Minister of the Public Service Commission.

b. Pay Equity

The Yukon Human Rights Act was passed in 1987 and provides for equal pay for work of equal value in the public sector, both territorially and municipally. The model is complaint-based but the Yukon Human Rights Commission encourages municipal employers to implement voluntary programs before a complaint is filed. Wage adjustments must be implemented annually, until pay equity is achieved. Employers are not required to allocate more than 1% of payroll each year.

Alberta

a. Employment Equity

The Alberta Human Rights Commission administers The Individual's Rights Protection Act, the province's anti-discrimination legislation. However, Section 11.1 states that "A contravention of this Act shall be deemed not to have occurred if the person who is alleged to have contravened the Act shows that the alleged contravention was reasonable and justifiable in the circumstances."

Section 11.1 was introduced in 1985 as an amendment to human rights legislation. The speech in the Legislature by Les Young, then Minister of Labour, is documented in Hansard, May 21, 1985. Mr. Young viewed the amendment, in combination with the repeal of the section which provided for special exemptions for programs, as allowing for "special programs." People could implement employment equity programs, "keeping in mind that they must be aware not to go to extremes in the situations." The legislation has been criticized by human rights activists for not providing a safeguard against complaints.

In April 1990, the Alberta Human Rights Commission passed a resolution urging the Government of Alberta to provide leadership by implementing employment equity policy and programs in the public service and government agencies; to encourage the private sector to implement such programs; and to encourage employment equity programs in Alberta's educational systems and institutions. Public service unions were urged to participate fully in the process of creating a labour force fair to and representative of women, Aboriginal people, persons with disabilities, and members of visible minority groups.

The Alberta Women's Secretariat was created in April of 1984. It is the central co-ordinating structure in government to address issues of concern to women. The Secretariat reports directly to the Minister Responsible for Women's Issues and promotes the full and equal participation of women in the social, political, economic, and family life of Alberta. It identifies, analyzes, and makes recommendations about government policy, programs, and legislation, and assesses future needs for government action. As well, it maintains liaison with government departments to ensure that women's concerns are reflected in policy and programming. It provides liaison with federal and provincial governments. In addition, it promotes public and government awareness and serves as a link between the government and the public on relevant issues. Finally, the Secretariat collects data and conducts research on issues of concern to women.

The Native Services Unit of Alberta Municipal Affairs assists Aboriginal people in achieving economic, political, social, and cultural development. The Unit encourages interdepartmental, interagency, and community co-operation and co-ordination in the development of policy, programs, and service delivery. The Unit has an indirect impact on the private sector by ensuring that training is relevant to the requirements of private employers; by facilitating agreements between specific large private sector employers, the Aboriginal community, and appropriate government departments to ensure that maximum opportunities are made available; by working with relevant government departments to ensure that increased employment opportunities in the resource industry are available for qualified Aboriginal people; and by providing financial support to Aboriginal organizations in the province in order to pursue more Aboriginal employment and business opportunities through government and the private sector (*Employment and Immigration Canada. Policy Directions: Employment Equity in Canada Conference, October 14-15, 1987: 26).*

Employment equity programs under Alberta jurisdiction are voluntary. Elaine McCoy, the current Minister of Labour and Responsible for the Alberta Human Rights Commission and Women's Issues, is an active promoter of employment equity or "fair play," and has emphasized repeatedly that employment equity in Alberta should not be viewed as reverse discrimination or the promoting of unqualified people to meet quotas. Rather, she has said, it is about fair treatment of people and learning to benefit from diversity.

In July 1989, the Government of Alberta announced the Alberta Plan for Action for Women, a forward-looking strategy involving "cooperative efforts between all levels of government, the community, and individuals." The Plan is based on annual initiatives for various government departments which outline the framework for the long-term goals of full and equal participation of women "in all aspects of life in Alberta." Major target areas are the family, the workplace, education and training, health, the community, and the public service. Ministers must report annually to the Premier and Cabinet.

A review of the 1989-90 initiatives, entitled UPDATE!, was published by the Alberta Women's Secretariat. UPDATE! also listed the initiatives developed for 1990-91.

The province has no formal program for encouraging employment equity in the private sector. However, a number of employers have implemented such programs. Examples are the Alberta Agricultural Development Corporation, Syncrude, the City of Calgary, the City of Edmonton, the University of Alberta, and the University of Calgary. Completely voluntary implementation is rare or non-existent. The universities are examples of employers who have implemented employment equity programs in order to continue to qualify for federal contracts.

b. Pay Equity

Alberta's pay equity provisions are part of The Individual's Rights Protection Act, administered by the Alberta Human Rights Commission. Section 6(a) of the Act provides that a woman may not be employed at a rate of pay less than that of a man "for similar or substantially similar work in the same establishment. " Section 6(b) provides the same protection for men vis-a-vis women.

The pay equity debate in Alberta is a long-standing one. The concept of equal pay for work of equal value has been opposed strongly by some Ministers of Labour and other Cabinet Ministers. Members of the Human Rights Commission have condemned the concept in the recent past. Minister Elaine McCoy has stated that Alberta already has pay equity in the form of "fair pay."

THE DEMOGRAPHIC ENGINE

Many important changes are taking place in Canadian society which will have a profound impact on our family, political, and cultural life. These changes are due primarily to an increased emphasis on human capital rather than on natural resources. This is so because the demographic structure of our society has shifted dramatically. The graphs in Appendix IV show the dramatic changes in our lives in recent decades, and some that are in progress.

a) Changing Family Structure

In 1961, the typical family was one in which only the husband worked outside the home (70% of all families). Over the next 25 years, the number of families in which both husband and wife worked outside the home increased by four times. In the same period, the number of single-parent families more than doubled. The result was that by 1986, in 70% of Canadian households, the adults were either both wage-earners or working single parents.

b) The Aging Population

In 1960, less than 8% of the population was over 65 years of age. In 1988, this percentage increased to 11%. By the year 2020, more than 20% of the population will be over 65 years of age, almost doubling the figure in 22 years. People in this older generation will need much support from their families and from the state. Even if they are financially independent, they will be spenders, not producers or savers. These facts mean that Canada as a society will have to reallocate its resources to provide for the elderly. The core working-age group will be shrinking, and will have to be very productive in order to raise living standards for all Canadians. This pressure will also enhance the incentives for women to stay in the workforce.

Children will account for a smaller share of the population but their well-being will be crucial to that of the other generations.

c) Impact of Technology on Employment

The emerging job structure calls for higher skills and more education, as stated in the section on "Forecasting Human Resource Requirements." Technological change is leading to the disappearance of jobs normally held by people of limited education.

d) Contribution of the Service Economy to Employment Growth

About 70% of Canadians now work in the service economy. About 90% of the new jobs created in the past two decades have been in the service economy. In the goods sector, manual jobs are being changed into ones performed by computer-driven tools. The service industries like others, has become part of the information age which is firmly established in Canada.

The need for human capital development has grown in importance in recent years. There is every reason to believe it will persist. There are some very worrisome trends which could have a detrimental impact on Alberta's economic and social life. Systematic and comprehensive upgrading and strengthening of Alberta human resource policies are essential parts of any response to these irreversible trends.

FORECASTING HUMAN RESOURCE REQUIREMENTS

Economic development cannot occur without the existence of an able and willing workforce. Future requirements for skills arise for two main reasons: first, those created by changes in types and level of economic activity; and second, the need to replace the workers who withdraw from the labour force. A shortfall of human resources would obstruct economic development and create inflationary pressures. On the other hand, a surplus of persons with unwanted or unneeded skills creates structural unemployment, resulting in a waste of human talent, and the incurring of excess welfare expenditures. Both conditions, labour shortfall and surplus, are undesirable for social and economic reasons.

Most human resource forecasting in Alberta has been carried out under government auspices, using government programs and computers. Alberta Career Development and Employment is now providing data on human resource requirements for the next 5 - 10 years. Most of the occupational data used come from the Canadian census. The latest census data date from 1986. The data from the next census in 1991 will most likely not be available until 1994. Thus, the information used for predicting future skill needs is at least three years old.

Alberta Career Development and Employment's forecasting method involves a combination of economic forecasting with input/output analysis as the basis for predicting demands for particular kinds of skills. This capability derives from advances in econometrics and computer modelling. Critical input data include available demographics and assumptions about possible levels of construction activity, commodity prices, and immigration.

The inputs to the forecasting model essentially determine the validity of the outputs, that is, the forecasts themselves. Alberta Career Development and Employment has provided the following possibilities and expectations for

the Alberta labour market of the 90s. It must be appreciated that any prognoses are subject to change. If change occurred, a new or revised forecast would be required.

The Labour Market of the 90s

1. Stable Employment Growth

- ❒ continued investment growth in Alberta
- ❒ strong forest industry development
- ❒ rebirth of construction industry
- ❒ construction of heavy oil plants; e.g. Bi-Provincial Upgrader, OSLO
- ❒ decline of conventional oil exploration offset by continued exploration for gas

2. Lower Rate of Labour Force Growth

- ❒ flattening out of participation rate curve
- ❒ aging population
- ❒ limited interprovincial migration
- ❒ international migration level controlled by Federal Government

3. Decline in General Unemployment Level

- ❒ overall Alberta rate drops to around 6% in 1990s
- ❒ possible labour shortages while some out of work
- ❒ increased level of frictional unemployment
- ❒ unemployed will be those without education and skills

4. Competition for Younger Workers

- ❒ competition for skilled youth
- ❒ more opportunities for disadvantaged groups to participate in the labour market

5. Increased Use of Technology

- ❒ new technologies will spread faster
- ❒ technology will replace direct jobs but will create indirect jobs
- ❒ technology may reduce skill levels in some occupations while increasing educational requirements in others

6. Majority of New Jobs Will Occur in the Service Producing Sector

- ❒ aging of the population, increased demand for more leisure time, trend towards a shorter work week, and expansion of the tourist industry ensuring further growth in the service-producing sector
- ❒ 71% of all new jobs created in the service producing sector
- ❒ the largest number of new jobs occurring in Other Service Industries; Retail Trade; Accommodations, Food and Beverage; and the Business Service sector
- ❒ due to government restraint and demographics, new jobs not growing as fast in Education and Government Service
- ❒ in the Goods-producing sector, employment opportunities strong in Construction, Manufacturing, and Oil and Gas (Mining)

7. Increased Importance of Post-Secondary Training

- ❒ private firms, especially small business and businesses in the Service sector, not providing training required for people to get that first job; by1994, 73% of all jobs will require some form of post-secondary training

Some of these assumptions and predictions raise questions and concerns. The proposition that "the unemployed will be those without education and skills" begs some questions about identifying their potential for upgrading and designing appropriate programs for them. If such a high percentage (71%) of "new jobs will be created in the service sector," concern may focus on the income levels of such jobs, which, historically, have been low and primarily occupied by women.

PROGNOSIS FOR THE 90s

Forecasts of requirements for human resources are now available from Alberta Career Development and Employment. Projections to 1994 are conveniently segmented by educational level required and by 'job family,' as shown in Appendix III.

These forecasts show expected demands for about 252,000 new employees, due to attrition of workers and the creation of new jobs. These figures are subdivided into an estimated 67,000 jobs which do not require post-secondary education, and 185,000 jobs which require college, university, or technical school graduation. Despite the expectation that there will continue to be some low-skill employment possibilities, concern continues to be expressed with regard to the level of high school dropouts, now at 30% in Alberta. Forecasts also provide some indication of the content which will be required in retraining programs to help employed people keep up-to-date in their fields.

These forecasts should be considered in conjunction with the document entitled, "A Labour Market Strategy for the 1990's," also published by Alberta Career Development and Employment. The significance of this document lies in its proactive language, as outlined in its six goals. Four of the six goals address directly the crucial matters of training and education. There is a specific focus on reintegrating displaced workers. One goal concerns labour force participation by special groups facing barriers. It indicates them specifically as women, Aboriginal peoples, visible minorities and disabled persons.

The Employment and Immigration forecasts for 1994 to 2000 have the same predictions as does Alberta Career Development, namely, that the need for human capital development is reaching a crisis. Falling birth and death rates are causing a rise in the average age of Canadians. The percentage of our population entering the workforce each year continues to

drop. A critical shortage of qualified new employees is approaching rapidly. The growing labour shortage will be offset only slightly by the fact that the participation of women is growing and is expected to continue to grow.

IMPLICATIONS FOR WORK RELATIONSHIPS IN THE 90s

A very important part of the solution will be human resource policies which address proactively ways to truly value every employee. Alternative forms of corporate organization and relationships will be needed to transform the workplace into a more democratic and "feminine" environment. Taking full advantage of the widest range of human-resource potential will require fundamental changes within the structure and culture of most Alberta organizations. Mounting evidence indicates that rigid hierarchical organizations do not foster employee commitment, the lack of which, of course, leads to reduced productivity. Companies which ignore the value and knowledge of employees will do so at their own peril.

However, the organizational culture* of many organizations is not given sufficient consideration by their senior management. Most people are programmed and nurtured in their particular value systems from birth to the time of taking a job. By the time they become adults, these influences are thoroughly ingrained and taken for granted. Usually, individuals are not conscious of these influences on their thought and behavior. Senior management needs to develop a strong organizational culture which will encourage employees to adopt successful operating methods in the structural design of the organization. * Organizational culture establishes expectations and norms that strongly shape individual and group behavior in that organization.

Because organizations are open systems which interact with a larger environment, they are influenced and shaped to some degree by the societies in which they exist and those which they serve. Growing concern with *caveat emptor* * type of thinking has created the regulation of business operations through the enactment of human rights legislation, employment

equity and pay equity regulations, and consumer and environmental protection legislation. The so-called "good corporate citizen" is now expected to observe and comply with statutes and regulations as a matter of course and increasingly may be called upon to exceed legal requirements voluntarily. *• Let the buyer beware*

In the context of human resources, the background culture of the employees is most relevant. Employees bring to the organization, their own personalities, mainly shaped by the society and the culture in which they grew up. The personal values of each employee, that is, what is important to him or her, may have been influenced and formed by individual experience and other learning in specific societies and at specific times. Hence, it should be expected that employees will have different values and attitudes towards work, work methods, and operating processes, as well as potentially different views about such matters as work ethics and relationships with customers, suppliers, supervisors and each other. Personal values and value systems are strongly held and form the basis for individual behavior. Thus, one can appreciate the concern in the words of Elaine McCoy, Alberta Minister of Labour, and Responsible for Women's Issues, when she said in 1990, "...managing the diversity of people and issues in our workplace is one of the major challenges facing employers in the 1990s." There are risks, however, in allowing social influences to evolve by chance. It is advantageous to plan and 'build-in' a set of desired organizational cultural attributes with the expectation of fostering positive influences.

Employment equity is really an approach to open systems management, necessitating that an organization look at its most closely held values and be ready to move in new directions. By eliminating discrimination, management breaks down barriers and opens up the organizational system, this enabling women to interact with men on a philosophical basis of participation and sharing. This is a major organizational change. It involves overcoming generations of tradition and changing relative power, it involves re-examining values. It means a transformation of the very culture of the workplace, specifically with respect to what is valued and rewarded as well

as the identification of the ground rules and assumptions which drive the organization.

Precisely because the implementation of employment equity in most organizations is being driven by demographic and political legislative forces through one-way communication techniques, employment equity meets with varying degrees of success. To date, there is little active employee involvement or input in the change process. In fact, questionnaires rarely ask questions about employment equity as an organizational objective. Yet acceptance of change can only be achieved if employees are involved in the creation of the final product.

CURRENT MYTHS AND MISCONCEPTIONS OF EMPLOYMENT EQUITY

Creating an organizational environment that supports employment equity involves more than having the Chief Executive Officer say the magic word and issue an edict. It requires the understanding and acceptance throughout the organization and society-at-large that employment equity demands radical change and commitment to making the changes happen.

It is precisely because the concept of employment equity is based on a new set of premises that it is surrounded by confusion and misunderstanding. Below is a list of common reactions to employment equity and some responses to challenge these reactions:

Reaction 1: It is unfair to give preferential treatment to employment equity target groups.

Response: Selection, training, employment, or promotion are forms of preferential treatment. Traditionally, our employment systems have exercised their preference for people who are male, white, and able-bodied. Employment equity says that discrimination on the basis of sex, race, or disability is no longer acceptable. Recognizing that certain groups in our society have a long history of being

discriminated against, employment equity programs counter the long-term effects of such discrimination with measures which give these groups real equality of opportunity in the workplace.

Reaction 2: Employment equity is reverse discrimination.

Response: Reverse discrimination is possible only if the social groups targeted for employment equity have equal opportunity in the first place. They don't. Instead, they have been repeatedly disadvantaged by barriers built right into our employment, education, and social systems, barriers such as lack of training opportunities, limited recruitment methods, stereotypical thinking, and unrealistic job requirements. Given the long history and pervasiveness of the discrimination experienced by these groups, it is unrealistic to expect that even the removal of most barriers will immediately establish equality. Employment equity recognizes that equal treatment of people who are not equals will not lead to equality.

Canadian law specifically states that programs designed to help alleviate the long-term discrimination suffered by disadvantaged social groups are not themselves discriminatory.

Reaction 3: Employment equity means imposing hiring quotas on employers.

Response: Mandatory quotas are not required in employment equity programs because they would likely result in the hiring of underqualified people to meet numerical requirements. Instead, employment equity requires employers to set goals for their organizations which consider the number of qualified individuals from target groups available in the potential workforce, and the composition and nature of the internal workforce. Realistic timetables are established by an employer to meet these goals. These goals and timetables become part of the employment equity plan.

Reaction 4: There is no real difference between "goals" and "quotas."

Response: There is a difference. While quotas would bind an employer's hands very tightly, goals act as useful measures of progress toward the ultimate goal of equal employment opportunity. Goals are not rigid. They are simply realistic management targets which can be revised to account for unforeseen problems.

Reaction 5: Hiring and promotion standards are lowered to recruit employees from target groups.

Response: Employment equity tends to establish more realistic and relevant standards for employment. It does not lower them. It means that employers may have to develop selection devices that measure the skills required for the job instead of artificial criteria that serve only to restrict the number of applicants and frequently to screen out people from target groups. While no one should be hired unless there is a basis for believing the individual will perform successfully on the job, employment equity allows individuals from target groups to compete for positions on an equal basis, taking into account their unique life situations.

EMPLOYMENT EQUITY: THE VISION

When Judge Abella initially defined employment equity as a "concept that seeks to identify and remove barrier by barrier, discriminatory disadvantage" and recommended programs of positive remedy designed to eliminate these barriers, it was initially expected that the completion of these tasks would be the fulfillment of employment equity. In truth, however, the vision which informs employment equity is greater than the sum of its parts.

Employment equity signals a cultural transformation in the workplace: the birth of a new paradigm. The new employment equity paradigm recognizes, honours, and accommodates diversity. An organization which has implemented employment equity will see the advantages of diversity and use that diversity both as an asset and as a resource.

In her book "International Dimensions of Organizational Behavior," Nancy Adler calls organizations that take advantage of cultural diversity "synergistic." Rather than ignoring diversity, these organizations manage the positive impacts of that diversity. "Members of the organization believe that our way and their way may differ, but neither is inherently superior to the other. Members of synergistic organizations believe that the combination of our ways and their ways produces the best ways to organize and work."

The employment equity vision anticipates growth within synergistic organizations in which the different perspectives of the four target groups -- women, member of visible minorities, Aboriginal peoples, and persons with disabilities, will serve to strengthen the fabric of the workplace.

Adler describes culturally synergistic organizations this way:

> Cultural synergy requires organizational policies and practices based on, but not limited to, the cultural patterns of its individual members and clients. Culturally synergistic organizations create new forms of management and organization that transcend the individual cultures of their members....Although most people tend to be ethnocentric, the synergistic approach assumes cultural contingency, that there are many equally good ways to reach a goal. The best way depends on the culture of the people involved.

The employment equity change process requires the early articulation of a vision of how the organization should appear and behave at the end of the management cycle. Implementation of employment equity typically advances through the following management cycle:

Phase 1 **Executive Commitment**

Entails gaining organizational acceptance of employment equity. Endorsement by the Chief Executive Officer signals top level support which is then formalized in a policy statement. Often in this first stage, senior personnel are assigned responsibility for employment equity and budgeting sufficient funds for implementation.

Phase 2 **Data Collection and Analysis**

Involves the collection of internal data to assess the current position of target group members within the organization. Two kinds of information are required: flow data which provides information on the movement of minority group members into and through the organization (number of applicants, hires, promotions, terminations), and stock data which provides a profile of the organization's current workforce across all occupational levels.

External labour force data must also be gathered to provide information on the availability of designated groups in the labour market, their skills, and the likely recruitment areas.

To complete Phase 2, employers need to analyze existing employment systems to determine whether any policies or practices adversely affect target group members.

Phase 3 **Design and Implementation**

Requires managers to establish goals and timetables to achieve employment equity. Non-discriminatory employment systems are put into place and remedial measures are developed to accommodate members of the target groups.

Phase 4 **Monitoring and Evaluation**

Involves measuring the progress made toward achieving employment equity objectives. Tracking the organization's compliance with human rights legislation, the overall hiring rate of target group members and their movement through the ranks mark the final stage in the employment equity management cycle.

As logical as this four phase employment equity process appears, it is not without its shortcomings. A recent Canada-wide survey of public and private sector employees found that "Canadian organizations still have a long way to go" in meeting sufficient requirement for effective implementation of employment equity. Among the evidence cited in the study conducted by H. Jain and R. Hackett of the Faculty of Business at McMaster University were the following data:

* 55% of the respondents having employment equity programs collected stock data on the occupational distribution of their workforce by gender, but only 17% had the information on Aboriginal peoples, 20% on visible minority groups and 17% on disability status.

* 28% of those Chief Executive Officers who responded who do have employment equity programs had not set goals or timetables. Others set one year goals (32%), two year goals (5.8%), or three year goals (7.7%).

* most organizations having employment equity programs provide wheelchair access, a sexual harassment policy and gender-neutral language documents. Few provide special measures such as flex-time, work sharing, child care or educational assistance (195-196).

As Beckhard and Harris note in Organizational Transitions, a possible explanation for the modest achievement of current employment equity programs is their lack of vision. The early articulation of the desired end drives an organizational change process. Defining the future state (where the organization is going), and assessing the present state (where the organization is now), often demand simultaneous attention.

The typical employment equity management cycle, as described above, can trap organizations in the present too easily. It is important for organizations to articulate at the very beginning how they envision the organization to appear and behave at the end of the management cycle. As Beckhard and Harris note, "the single greatest threat to successful change is the lack of early attention to defining the end state" (46 - 49).

Employment equity programs establish goals and timetables in Stage 3 of the cycle, which is too late in the process to attend to the future. Moreover, the goals set are often numerical targets based on human resource projections and often overlook the need to describe the basic nature of the organization.

Numerous benefits derive from attending to the future or developing a vision of employment equity at the beginning of the process. According to Beckhardt and Harris, these are the dividends:

1. Optimism replaces pessimism.

2. Spelling out the future allows members of the organization to visualize their own role in the change.

3. Description of the future state describes the projected changes and thus reduces uncertainty and minimizes internal resistance.

4. Management is pulled away from the tendency to attack symptoms and instead to focus their attention on defining what is needed to make the organization effective.

A quick glance at the assessment of employers covered under the Employment Equity Act, provided in the 1990 Annual Report of Employment and Immigration Canada, shows that very few employers have received "A" assessments with respect to employment equity for women. An improvement in performance is clearly required. Nevertheless, it is worth noting that there is no evidence at all that these employers, who are required to implement employment equity and have done so for the four designated groups to various degrees, have suffered in any way because of it.

In the previous pages, several problems with current employment equity, including pay equity legislation, policy, programming, and enforcement have been discussed. By now, there is a body of data and experience which can, and should, serve to establish or strengthen employment equity initiatives in the various jurisdictions. There is also evidence, for example, in Manitoba, P.E.I., and Saskatchewan, that partnerships between government, business, labour, and the community can exist.

W. List (1989: 35) points out that "unfortunately, society still has deep-seated notions about men's jobs and women's jobs." Attitudes must change, but

they will not do so unless employers are prepared to invest in women. List provides several examples of public and private sector employers who have taken steps to hire and promote women. Each has reported satisfaction for the employer as well as for the employees. Employment equity is not about women taking over "men's jobs." It is about making all jobs accessible to qualified women and making it possible for women to advance in their jobs.

It may be stating the obvious, but it must be stated. Discrimination is wrong. Employment equity has a strong potential for overcoming systemic discrimination, thus contributing to social justice for all. This is not merely a "soft" argument. Concrete benefits are associated with social justice, for members of disadvantaged groups, for employers, and for the public in general.

Fear of change is another barrier against adoption of employment equity plans. Yet, many successful businesses are known for their creative approach to change. As we have seen, if employment equity programs are introduced with care, a climate favourable to and accepting of change can be created. Employment equity plans should allow for time to set the stage for changes in attitude by raising awareness among and training of employees already in the workplace. New employees who are members of the target groups should, ideally, prepare themselves, but they should also receive support from the employer. At first, the change may seem drastic to some. However, there is a body of evidence which shows that when the "in-group" meets and works alongside the "out-group," when commonalities emerge and diversity becomes interesting rather than something to be feared, negative attitudes tend to disappear and are replaced by appreciation and respect for each other's skills and abilities.

A diverse workforce will bring to the workplace the richness of the skills and perspectives of women and members of minority groups. Women's skills and perspectives are needed at all levels in the work force to enable businesses to relate to the female buyers of their products and services. Diversity has the potential for transforming a perhaps static workplace into a

dynamic one. A dynamic environment has the potential for creating ideas and opening up larger or new markets.

The economic benefits of employment equity were summed up by Catalyst Education Associates of Calgary as a "better utilization of resources." Concrete benefits noted by Catalyst and others which can result from the implementation of an employment equity program include dealing pro-actively with an impending labour shortage; increased productivity; a decrease in absenteeism and turnover; a reduction in recruitment and training costs by promoting women from within; a larger pool for selection of candidates for a position; and more human resources by better use of women's abilities.

All of these benefits apply just as much to small businesses as to large corporations and government. The demographic trends and economic forecasts discussed previously show clearly that, especially in the longer run, the price to be paid for **not** establishing an employment equity plan will likely be much higher than the cost of implementing a plan now.

The combination of fairness and economic benefits for all concerned makes for a powerful argument in favour of employment equity in Alberta. The partnership envisaged between government, employers, labour, and the community is a strong basis for the realization of the goal of implementation of employment equity plans in the workplace.

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APPENDIX I

Employment and Immigration Canada
Emploi et Immigration Canada

EMPLOYMENT EQUITY

Legislated Employment Equity Program:

The Employment Equity Act

Objective of the Act

Employment and Immigration Canada is responsible for the Legislated Employment Equity Program, the implementation and the administration of the Employment Equity Act. The purpose of the legislation is to achieve equality in the workplace so that no member of the designated groups (women, aboriginal peoples, persons with disabilities and members of visible minorities) is denied employment opportunities or benefits for reasons unrelated to ability. The Act requires that federally-regulated employers and Crown corporations with 100 or more employees implement employment equity plans and programs, identify and eliminate employment barriers, achieve a representative workforce and report annually on their results. These employers are primarily in the banking, transportation and communications industries.

Requirements of the Act

The Act obligates employers under federal jurisdiction to implement employment equity plans and programs and to report annually on their progress, according to prescribed regulations and reporting procedures. Implementing employment equity programs involves making reasonable accommodation, as well as identifying and removing barriers to the selection, hiring, promotion and training of designated groups. Employers must consult with persons designated by the employees to act as their representatives, or with a bargaining agent in cases where one represents the employees. Employers must also initiate special measures that improve the employment opportunities of designated groups by increasing their participation level in all occupational groups within the company. Special measures may include targetted recruitment and special training initiatives.

Employers covered by the Act must retain a copy of their employment equity plan and all records used to prepare their annual report for a period of at least three years.

Operation of the Program

Employment and Immigration Canada is responsible for administering and implementing the Employment Equity Act. Experienced staff assist employers by providing explanatory materials and training on the requirements of the Act and Regulations, as well as census data on the representation of designated groups in the Canadian labour force.

Information and training on the Act and reporting requirements are also provided to members of designated groups, the business, labour and academic communities. In addition, staff assess the representation of the designated groups and analyze employers' progress towards the achievement of a representative workforce.

The range of activities and responsibilities of the program includes:

- issuing guidelines;
- transmitting the requirements of the Act and Regulations to employers;
- providing consultative services to employers through 12 regional offices;
- ensuring in-depth follow-up with employers needing special assistance in developing an effective employment equity program;
- providing information to employers, employer associations, and representatives of designated groups;
- making employers' employment equity reports publicly available;
- assessing whether individual employers are in compliance with the Act;
- recommending sanctions against employers who are not in compliance with the Act;
- preparing annually a report for the minister to table in Parliament, providing a consolidation and an analysis of employers' employment equity results;
- reviewing and assessing the Act and Regulations, including participating in a comprehensive review of the legislation by a Parliamentary committee every three years, starting in 1991; and
- recommending modifications or amendments to the legislation where necessary.

Reporting Cycle

I Employers must prepare an annual report using standardized forms. Reports covering the preceding calendar year are due on or before June 1 of each year.

II The Minister of Employment and Immigration tables an Annual Report to Parliament, based on the data in employers' employment equity reports, before December 31 of each year.

III Employers' reports are made available to the public at libraries across Canada.

Canada

LM-092/7/90

Enforcement

An employer who fails to meet the reporting requirements may be subject to a fine of up to $50,000 upon summary conviction.

Employers' annual reports are forwarded to the Canadian Human Rights Commission (CHRC). The CHRC has the authority under the Canadian Human Rights Act to initiate an investigation based on the data if there are reasonable grounds for believing that systemic discrimination exists.

Employers' reports are also made available for public inspection. Private individuals or organizations may file a complaint with the CHRC against an employer in cases where there are reasonable grounds for believing that systemic discrimination exists.

For further information contact:

Employment Equity Branch
Employment and Immigration Canada
Place du Portage, Phase IV
Ottawa/Hull
K1A 0J9
or
Employment Equity Consultative Services in the Regional Offices of Employment and Immigration Canada.

For further information regarding employment equity, please contact:

Legislated Employment
Equity Program
140 Promenade du Portage
Phase IV, 5th Floor
Ottawa, Ontario
K1A 0J9
(819) 997-0355
or
any of the following Regional Employment Equity Consultants in:

Newfoundland:
167 Kenmount Road
P.O. Box 12051
St. John's, NFLD
A1B 3Z4
(709) 772-2295

Prince Edward Island:
85 Fitzroy Street
Charlottetown, PEI
C1A 1R6
(902) 566-7677

Nova-Scotia:
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1st Session, 33rd Parliament,
33-34-35 Elizabeth II, 1984-85-86

THE HOUSE OF COMMONS OF CANADA

BILL C-62

An Act respecting employment equity

1re session, 33e législature,
33-34-35 Elizabeth II, 1984-85-86

CHAMBRE DES COMMUNES DU CANADA

PROJET DE LOI C-62

Loi concernant l'équité en matière d'emploi

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Sa Majesté, sur l'avis et avec le consentement du Sénat et de la Chambre des communes du Canada, décrète :

SHORT TITLE

Short title

1. This Act may be cited as the *Employment Equity Act*.

TITRE ABRÉGÉ

Titre abrégé

1. *Loi sur l'équité en matière d'emploi.*

PURPOSE

Purpose of Act

2. The purpose of this Act is to achieve equality in the work place so that no person shall be denied employment opportunities or benefits for reasons unrelated to ability and, in the fulfilment of that goal, to correct the conditions of disadvantage in employment experienced by women, aboriginal peoples, persons with disabilities and persons who are, because of their race or colour, in a visible minority in Canada by giving effect to the principle that employment equity means more than treating persons in the same way but also requires special measures and the accommodation of differences.

OBJET

Objet

2. La présente loi a pour objet de réaliser l'égalité en milieu de travail de façon que nul ne se voie refuser d'avantages ou de chances en matière d'emploi pour des motifs étrangers à sa compétence et, à cette fin, de corriger les désavantages subis, dans le domaine de l'emploi, par les femmes, les autochtones, les personnes handicapées et les personnes que leur race ou leur couleur place parmi les minorités visibles du Canada, conformément au principe selon lequel l'équité en matière d'emploi requiert, outre un traitement identique des personnes, des mesures spéciales et des aménagements adaptés aux différences.

INTERPRETATION

Definitions

3. In this Act,

"designated groups" means women, aboriginal peoples, persons with disabilities and persons who are, because of their race or colour, in a visible minority in Canada;

"designated groups" «groupes...»

"employer" means any person who employs one hundred or more employees on or in

"employer" «employeur»

DÉFINITIONS

Définitions

3. Les définitions qui suivent s'appliquent à la présente loi.

«employeur» Quiconque emploie au moins cent salariés au sein ou dans le cadre d'une entreprise fédérale au sens de l'article 2 du *Code canadien du travail*, ainsi que toute personne morale employant au moins cent

«employeur» "employer"

connection with a federal work, undertaking or business as defined in section 2 of the *Canada Labour Code* and includes any corporation established to perform any function or duty on behalf of the Government of Canada that employs one hundred or more employees, but does not include

(*a*) a person who employs employees on or in connection with a work, undertaking or business of a local or private nature in the Yukon Territory or the Northwest Territories, or

(*b*) a corporation that is a department as defined in the *Financial Administration Act*;

"Minister" «ministre»

"Minister" means

(*a*) the Minister of Employment and Immigration, or

(*b*) such member of the Queen's Privy Council for Canada as is designated by the Governor in Council as the Minister for the purposes of this Act;

"prescribed" *Version anglaise seulement*

"prescribed" means prescribed by regulations of the Governor in Council.

salariés et constituée pour l'accomplissement de fonctions au nom du gouvernement du Canada, à l'exclusion :

a) d'une personne qui emploie des salariés au sein ou dans le cadre d'une entreprise, d'une affaire ou d'un ouvrage de nature locale et privée dans le territoire du Yukon et les territoires du Nord-Ouest;

b) d'un établissement public assimilé à un ministère aux termes de la *Loi sur l'administration financière*.

«groupes désignés» Les femmes, les autochtones, les personnes handicapées et les personnes que leur race ou leur couleur place parmi les minorités visibles du Canada. «groupes concernés» *"designated..."*

«ministre» S'entend : «ministre» *"Minister"*

a) soit du ministre de l'Emploi et de l'Immigration;

b) soit du membre du Conseil privé de la Reine pour le Canada que le gouverneur en conseil désigne comme ministre responsable aux fins de la présente loi.

EMPLOYMENT EQUITY

Employer's duty

4. An employer shall, in consultation with such persons as have been designated by the employees to act as their representatives or, where a bargaining agent represents the employees, in consultation with the bargaining agent, implement employment equity by

(*a*) identifying and eliminating each of the employer's employment practices, not otherwise authorized by a law, that results in employment barriers against persons in designated groups; and

(*b*) instituting such positive policies and practices and making such reasonable accommodation as will ensure that persons in designated groups achieve a degree of representation in the various positions of employment with the employer that is at least proportionate to their representation

(i) in the work force, or

(ii) in those segments of the work force that are identifiable by qualification, eligibility or geography and from which

ÉQUITÉ EN MATIÈRE D'EMPLOI

Obligations de l'employeur

4. En consultation avec les personnes que les salariés ont désignées pour les représenter ou avec l'agent négociateur des salariés lorsque ces derniers sont représentés par un agent négociateur, l'employeur réalise l'équité en matière d'emploi par les actions suivantes :

a) détermination et suppression de ses règles et usages en matière d'emploi, non d'autre part autorisés par une règle de droit, dans les cas où ils font obstacle à la carrière de membres des groupes désignés;

b) instauration d'usages et de règles positifs et prise de mesures raisonnables d'adaptation pour que le nombre de membres de ces groupes dans ses différents postes soit au moins proportionnel à leur représentation :

(i) au sein de la population active,

(ii) dans les secteurs de la population active susceptibles d'être distingués en fonction de critères de compétence,

the employer may reasonably be expected to draw or promote employees.

d'admissibilité ou d'ordre géographique où il serait fondé à procéder à ses recrutements ou à l'avancement de ses salariés.

Plan of goals to be prepared

5. (1) An employer shall, in respect of each year, prepare a plan setting out

(*a*) the goals that the employer intends to achieve in implementing employment equity in the year or years to which the plan relates; and

(*b*) the timetable for the implementation of those goals.

5. (1) À chaque année, l'employeur élabore un plan énonçant :

a) les objectifs qu'il entend atteindre dans la réalisation de l'équité en matière d'emploi à l'égard de l'année ou des années auxquelles se rapporte le plan en question;

b) l'échéancier de mise en œuvre de ces objectifs.

Plan de mise en œuvre et échéancier

Retention of plan

(2) A copy of a plan prepared under subsection (1) shall be retained by the employer at the employer's principal place of business in Canada for a period of at least three years after the last year in respect of which the plan is prepared.

(2) L'employeur doit, au moins durant les trois ans qui suivent la dernière année pour laquelle le plan visé au paragraphe (1) a été élaboré, garder une copie de ce plan à sa principale place d'affaires au Canada.

Conservation du plan

REPORTS

RAPPORTS

Employer must file

6. (1) On or before June 1, 1988 and on or before June 1 of each year thereafter, every employer shall file with the Minister a report in respect of the immediately preceding calendar year containing information in accordance with prescribed instructions indicating, in the form and manner prescribed,

(*a*) the industrial sector in which employees of the employer are employed, the location of the employer and employees, the number of all employees of the employer and the number of persons in designated groups so employed;

(*b*) the occupational groups of the employer and the degree of representation of persons in designated groups in each occupational group;

(*c*) the salary ranges of employees and the degree of representation of persons in designated groups in each range and prescribed subdivision thereof; and

(*d*) the number of employees hired, promoted and terminated and the degree of representation in those numbers of persons in designated groups.

6. (1) Au plus tard le 1er juin de chaque année à compter de 1988, l'employeur dépose auprès du ministre, pour la précédente année civile, un rapport, comportant les renseignements conformes aux instructions réglementaires et établi en la forme et selon les modalités réglementaires, qui donne les indications suivantes :

a) les branches d'activité de ses salariés, le lieu de son établissement et le lieu de travail de ses salariés, le nombre de ceux-ci et celui des membres des groupes désignés qui en font partie;

b) les catégories professionnelles qui composent son personnel et la représentation des membres de ces groupes dans chacune d'elles;

c) les échelles de rémunération de ses salariés et la représentation des membres de ces groupes figurant à chacune d'elles ou à chacune de leurs tranches réglementaires;

d) le nombre des recrutements, des avancements et des cessations de fonctions ainsi que, dans chaque cas, la représentation des membres des mêmes groupes.

Rapport de l'employeur

Certificate required on report

(2) A report under subsection (1) shall, in prescribed manner, be certified as to the accuracy of the information contained there-

(2) L'exactitude des renseignements fournis dans le rapport visé au paragraphe (1) est attestée selon les modalités réglementaires.

Attestation d'exactitude

in and the certificate shall be signed by the employer or, where the employer is a corporation, by a prescribed person on behalf of the corporation and under its seal.

L'attestation est signée par l'employeur ou, dans le cas d'une personne morale, par son représentant désigné par règlement et sous son sceau.

Retention of records

(3) All records that are used in the compilation of the information included in a report made by an employer under subsection (1) shall be retained by the employer at the employer's principal place of business in Canada for a period of at least three years after the year in respect of which the report is made.

(3) L'employeur doit, au moins durant les trois années qui suivent celle à l'égard de laquelle il a fait un rapport en application du paragraphe (1), conserver à sa principale place d'affaires au Canada tous les documents qui ont été utilisés dans la compilation des renseignements que contient le rapport en question.

Conservation des documents

Offence

7. An employer who fails to comply with section 6 is guilty of an offence and liable on summary conviction to a fine not exceeding fifty thousand dollars.

7. L'employeur qui ne se conforme pas à l'article 6 commet une infraction et encourt, sur déclaration de culpabilité par procédure sommaire, une amende maximale de cinquante mille dollars.

Infraction

Minister to send copy

8. The Minister shall, on the receipt of a report filed under section 6, send a copy thereof to the Canadian Human Rights Commission.

8. Le ministre fait parvenir à la Commission canadienne des droits de la personne une copie du rapport déposé en application de l'article 6 dès qu'il reçoit ce rapport.

Copie à la Commission canadienne des droits de la personne

Consolidation of reports to be tabled in Parliament

9. The Minister shall in each year prepare a consolidation of the reports received in that year under section 6 and shall, as soon as possible thereafter but not later than the end of that year, cause the consolidation, together with an analysis thereof made by the Minister, to be laid before each House of Parliament.

9. Chaque année le ministre regroupe les rapports visés à l'article 6 en un ensemble qu'il assortit d'une analyse. Il fait déposer ces documents devant chaque chambre du Parlement dans les meilleurs délais mais au plus tard à la fin de l'année.

Regroupement des rapports à déposer devant le Parlement

Copies of reports available

10. Each report filed with the Minister under section 6 shall be available for public inspection at such places as may be designated by the Minister and any person may, on payment of a prescribed fee, not to exceed the costs of furnishing a copy, obtain from the Minister a copy of the report.

10. Le public peut consulter les rapports visés à l'article 6 aux lieux désignés par le ministre et en obtenir copie auprès de celui-ci contre versement d'un droit réglementaire n'excédant pas le coût de la copie.

Accès du public aux rapports

GENERAL

DISPOSITIONS GÉNÉRALES

Regulations

11. The Governor in Council may make regulations

(*a*) defining, for the purposes of subsection 6(1), the expressions "salary", "hired", "promoted" and "terminated";

(*b*) describing persons who are considered to be members of any designated group;

(*c*) prescribing anything that is to be prescribed under this Act; and

11. Le gouverneur en conseil peut, par règlement :

a) pour l'application du paragraphe 6(1), définir «rémunération», «recrutement», «avancement» et «cessation de fonctions»;

b) spécifier des personnes qui sont réputées faire partie d'un groupe désigné quelconque;

c) prendre toute mesure d'ordre réglementaire prévue par la présente loi;

Règlements

(*d*) generally for carrying out the purposes and provisions of this Act.

d) prendre toute autre mesure d'application de la présente loi.

Guidelines

12. In order to provide employers with information that the Minister deems would be of assistance to employers in implementing the requirements of sections 4 and 5, the Minister may issue guidelines directed to employers pertaining to any of the matters referred to in those sections.

Directives

12. En toute matière visée aux articles 4 et 5, le ministre peut établir, à l'intention des employeurs, des directives susceptibles, selon lui, de les aider à se conformer aux dispositions de ces articles.

Review of operation of Act

13. (1) Five years after the coming into force of this Act, and at the end of every three year period thereafter, a comprehensive review of the provisions and operation of this Act including the effect of such provisions shall be undertaken by such committee of the House of Commons as may be designated or established by the House for that purpose.

Examen de l'application de la loi

13. (1) Cinq ans après l'entrée en vigueur de la présente loi, et à la fin de chaque période ultérieure de trois ans, un comité de la Chambre des communes désigné ou établi par la Chambre à cette fin procède à un examen complet des dispositions et de l'application de la présente loi ainsi que de leur effet.

Report on review to be tabled

(2) Within six months after the completion of the review referred to in subsection (1), the committee so designated or established for that purpose shall submit a report on the review to Parliament including a statement of any changes the committee would recommend.

Rapport : examen

(2) Dans les six mois suivant la fin de l'examen visé au paragraphe (1), le comité désigné ou établi à cette fin présente au Parlement un rapport concernant l'examen et exposant tous les changements qu'il peut désirer recommander.

COMING INTO FORCE

ENTRÉE EN VIGUEUR

Commencement

14. This Act shall come into force on a day to be fixed by proclamation.

Entrée en vigueur

14. La présente loi entre en vigueur à la date fixée par proclamation.

Published under authority of the Speaker of the House of Commons by the Queen's Printer for Canada

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APPENDIX II

Employment and Immigration Canada
Emploi et Immigration Canada

EMPLOYMENT EQUITY

FEDERAL CONTRACTORS PROGRAM

INFORMATION FOR SUPPLIERS

OBJECTIVE

To ensure that federal contractors who do business with the Government of Canada achieve and maintain a fair and representative workforce.

DESCRIPTION

Suppliers of goods and services to the federal government who employ 100 persons or more and who want to bid on contracts of $200,000 or more will be required to commit themselves to implementing employment equity as a condition of their bid. Failure to subsequently comply with prescribed employment equity measures can result in the loss of the opportunity to compete for future government business.

REQUIREMENTS

The program requires contractors to implement employment equity measures. Such measures necessitate the identification and removal of artificial barriers to the selection, hiring, promotion and training of members of the designated groups, i.e., women, aboriginal peoples, persons with disabilities, and visible minorities. As well, contractors will take steps to improve the employment status of these designated groups by increasing their participation in all levels of employment.

OPERATION

There are five essential steps in the implementation and operation of the Federal Contractors Program for Employment Equity. They are: Certification, Implementation, Compliance Review, Appeal and Sanctions. (The timing of each step is dependent upon the individual circumstances of each contractor and cannot be pre-determined.)

1. Certification

Suppliers who employ 100 persons or more and who wish to bid on contracts worth $200,000 or more with the federal government will first certify in writing their commitment to implement employment equity according to specific criteria.

2. Implementation

Employment equity will be implemented in keeping with the terms and conditions of Criteria provided by the Canada Employment and Immigration Commission (CEIC).

Essential components of this process are:

a) removal of discriminatory barriers to the employment and promotion of designated groups. This includes elimination or modification of all human resources practices and systems which cannot be shown to be bona fide occupational requirements;

b) improvement in the participation of designated group members throughout the contractor's organization through hiring, training and promotion;

c) the introduction of special measures and the establishment of internal goals and timetables towards the achievement of employment equity by increasing the recruitment, hiring, training and promotion of designated group members and by making reasonable accommodations to enable members of such groups to compete with others on an equal basis; and

d) the retention of records regarding the employment equity implementation process for assessment by

Canada

WH-3-590E

officials from the CEIC during on-site compliance reviews.

3. Compliance Review

In-depth compliance reviews will be conducted by the CEIC to:

a) review the records and documents kept by contractors;

b) assess compliance with the program criteria and the results obtained;

c) determine the extent of efforts made by contractors on behalf of designated groups; and

d) measure the performance levels attained by contractors.

If the compliance review results are positive, the process is complete and the contractor will be so informed.

If the compliance review results are negative, the contractor will be so informed and will be expected to initiate remedial action for review within a prescribed time limit not to exceed 12 months.

4. Appeal

The Contractor has the right to appeal an unfavourable compliance review to the Minister of Employment and Immigration. In that instance, an independent review will be undertaken to study the findings of the original compliance review and advise the Minister of Employment and Immigration of the results.

5. Sanctions

In the event that the results of the independent review indicate a failure to comply, sanctions will be applied including eventual exclusion from bidding on federal government contracts.

CRITERIA FOR IMPLEMENTATION

1. Communication by the organization's chief executive officer to employees, unions and/or employee associations of the commitment to achieve equality in employment through the design and implementation of an employment equity plan.

The successful implementation of an employment equity program depends upon the degree of commitment made by the chief executive officer and how this commitment is communicated to all employees.

The extent to which the respective union or employee association is involved in making that commitment and the degree of collaboration involved in developing and issuing an appropriate policy statement on the organization's position on employment equity are also major success factors.

2. Assignment of senior personnel with responsibility for employment equity.

A stated commitment by the chief executive officer to implement employment equity must be supported by the assignment of a senior level individual with the necessary authority and responsibility to ensure the program's effectiveness. To be most effective, such an individual should have knowledge of the problems and concerns of designated groups (women, aboriginal peoples, persons with disabilities, and visible minorities) and the status and ability needed to gain the cooperation of employees, employee association officials, and managers at all levels in the organization. He/she will also act as the organization's employment equity contact point with the federal government.

3. Collection and maintenance of information on the employment status of designated group employees, by occupation and salary levels and in terms of hiring, promotion and termination in relation to all other employees.

The requirement for recording this and other employee-related information is to give the contractor sufficient information in order to establish objectives and priorities for an employment equity program, and give both the contractor and the government an indication of the results of the contractor's subsequent employment equity initiatives.

Contractors are encouraged to tabulate the type of data which are relevant to their respective needs. This should include information about training, layoffs and retirements in addition to that relating to hiring, promotions and terminations of designated group members.

The specific format for collecting this type of information is left to the discretion of the contractor. As an aid, the contractor may wish to take advantage of the format established for those firms falling under the authority of the Employment Equity Act.

4. Analysis of designated group representation within the organization in relation to their representation in the supply of qualified workers from which the contractor may reasonably be expected to recruit employees.

When the status of designated group employees within the organization has been determined, it is used to compare the in-house representation with the number of qualified designated group members available within the provincial, national or Census Metropolitan Area labour force. The Canada Employment and Immigration Commission, in conjunction with Statistics Canada, will provide the relevant data to use in the organizational planning of employment equity initiatives. It should be noted that while the availability of such data is as yet incomplete, the Government is taking a number of steps through the 1986

census and other statistical work to assemble a more reliable data base. Notwithstanding the need to improve the data, it is also important to note that data analysis is only one factor among many in determining the degree to which employment equity has been or is being achieved.

5. Elimination or modification of those human resource policies, practices and systems, whether formal or informal, shown to have or likely to have an unfavourable effect on the employment status of designated group employees.

Frequently, employment practices and policies have unintentional adverse effects upon the recruitment, hiring, promotion and retention of designated group members. This is known as systemic discrimination.

It is important, therefore, that a review be undertaken of all procedures used in the recruitment, selection, training, promotion and termination of employees. Any policy, practice or system, whether formal or informal, which is found to have or is likely to have an unfavourable impact should be eliminated or modified to prevent recurrence of that impact.

6. Establishment of goals for the hiring, training and promotion of designated group employees. Such goals will consider projections for hiring, promotions, terminations, lay offs, recalls, retirements and, where possible, the projected availability of qualified designated group members.

Having determined in which areas steps are needed to correct systemic discriminatory practices, the contractor will be in a position to establish goals and timetables for the increased participation of designated groups in its various occupational categories. In setting goals, the contractor should bear in mind its longer term objective which is the proportional representation of designated group members in the company's workforce. As happens with all organizational goals, the pursuit of employment equity goals follows a policy decision and is integrated into the overall planning system.

7. Establishment of a work plan for reaching each of the goals in 6 above.

Each of the goals should therefore be tied to a timetable with reasonable completion dates or deadlines for evaluation of results. Progress can then be periodically reviewed and the plan adjusted accordingly.

8. Adoption of special measures where necessary to ensure that goals are achieved, including the provision of reasonable accommodation as required.

Special measures may include special training courses in order to upgrade employees whose advancement may be hindered due to the lack of practical experience. Still others may mean day-care assistance, special counselling services or flexible work arrangements. In addition, the physical plant may have to be modified to accommodate wheelchairs, seeing eye dogs and communication devices for hearing impaired individuals. These are examples of reasonable accommodations designed to alleviate specific employment problems affecting the ability of designated group members to fully participate in employment.

9. Establishment of a climate favourable to the successful integration of designated group members within the organization.

Being hired is only the first step. An inhospitable work environment can affect both the quality of an employee's work and his/her willingness to remain in an organization's employ. Awareness sessions for managers and staff will create a greater understanding of employment equity objectives and help dispel any misconceptions or feelings of resentment toward the program.

10. Adoption of procedures to monitor the progress and results achieved in implementing employment equity.

An effective monitoring system is a necessary part of any employment equity program. Regular evaluations will determine the progress being made toward objectives and will also identify where there are needs for corrective action or adjustment.

11. Authorization to allow representatives of the Canada Employment and Immigration Commission access to the business premises and to the records noted in 3. above in order to conduct on-site compliance reviews for the purpose of measuring the progress achieved in implementing employment equity.

As a condition of certification, the organization agrees to allow authorized CEIC officials access to the above-noted records as well as others which will indicate the extent of the organization's efforts and results.

CANADA EMPLOYMENT AND IMMIGRATION COMMISSION

Please forward the completed Certificate of Commitment to:

Federal Contractors Program
140 Promenade du Portage
Phase IV, 5th Floor
Ottawa, Ontario
K1A 0J9
(819) 997-0355

For further information regarding employment equity, please contact any of the following Regional Employment Equity Consultants in:

NFLD: 167 Kenmount Road
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St. John's, NFLD
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(709) 772-2295

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CERTIFICATE
Number

FEDERAL CONTRACTORS PROGRAM
CERTIFICATE OF COMMITMENT
TO IMPLEMENT EMPLOYMENT EQUITY

Name of Organization

The above-named organization hereby certifies its commitment to implement employment equity in the following circumstances:

1. the organization has a Government of Canada goods or services contract worth $200,000 or more; and
2. the organization has 100 or more permanent full-time and/or permanent part-time employees.

In such circumstances, the organization undertakes to implement employment equity in keeping with the Criteria for Implementation. This document, duly signed by the chief executive officer, constitutes a Certificate of Commitment which, under the Federal Contractors Program for Employment Equity, is a prerequisite for the validation of bids submitted in the circumstances listed above.

Signature of the Chief Executive Officer

Date

Please Print Name

Industrial Sector

Organization

Number of Employees

Address

Telephone

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The purpose of the Discussion Paper is to help focus and facilitate effective dialogue on issues related to the Employment Equity Act.

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Introduction

The Employment Equity Act represents a milestone in Canadian history. One of the first of its kind not only in Canada but internationally, this legislation is designed to achieve equity in employment. Employers covered by the Act are required to implement programs to ensure that members of designated groups -- women, aboriginal peoples, persons with disabilities and members of visible minorities -- achieve equitable representation and participation in the workforce.

Proclaimed in August 1986, the Act provides for comprehensive reviews of its provisions, operation and impact by a Parliamentary committee. The first review is to take place in 1991, after the Act has been in force for five years. Subsequent reviews are to be held every three years.

To assist the consultation process leading up to the first Parliamentary review, the Employment Equity Branch of Employment and Immigration Canada (EIC) has prepared this discussion paper. Its purpose is to stimulate dialogue on issues related to the Employment Equity Act and facilitate the sharing of ideas among interested parties, including employers, employer and labour organizations, designated group representatives and associations, and government officials. The results of this dialogue and any additional comments and suggestions on the legislation that are made to EIC during this phase will be summarized in a report and presented to the Parliamentary committee in 1991.

What is employment equity?

The meaning of employment equity has evolved in Canada over the last 10 years. "Employment equity" refers to a comprehensive and active planning process adopted by an employer to ensure appropriate representation of designated groups within the employer's workforce. It involves not only identifying and eliminating employment barriers and discriminatory practices, but also applying special measures and accommodating differences.

III Setting the context: A brief history of developments before the Employment Equity Act

Prior to the Employment Equity Act, a number of initiatives were undertaken in the areas of human rights, equal pay and affirmative action.

During the 1950s and 1960s, new employment statutes in most Canadian jurisdictions prohibited racial and religious discrimination, and prescribed equal pay for men and women. The first Canadian Bill of Rights was introduced in 1960, and human rights commissions had been established in all provinces by the mid-1970s.

During the 1970s and early 1980s, increased pressures from women and minority groups led federal, provincial and municipal governments to establish special programs to improve the employment situation of these groups. In 1977, Parliament enacted the Canadian Human Rights Act. In 1978, the federal government launched a voluntary affirmative action program aimed at private industry, and federal contractors and Crown corporations were targeted the following year. These programs were consolidated in Employment and Immigration Canada. In 1980, a pilot affirmative action program was set up in three federal government departments. This initiative was extended three years later to all departments of the federal public service.

By 1984, however, it was apparent that voluntary affirmative action programs were failing to bring about significant changes in employment for designated groups. Members of these groups still faced employment barriers and disadvantages that resulted in well-documented patterns of higher-than-average unemployment rates, lower-than-average salaries, concentration in low-paying occupations and lack of representation in decision-making positions.

A number of reports, including those prepared by interest groups, urged the federal government to introduce mandatory programs to bring about substantial changes. The Royal Commission Report *Equality in Employment* stressed that "Equity in employment will not happen unless we make it happen."

Within this context, the Employment Equity Act was drafted and introduced in Parliament. Bill C-62, an Act respecting Employment Equity, was first tabled in the House of Commons in June 1985 and became law on August 13, 1986.

Another important equity initiative, the Federal Contractors Program, was introduced the same year. The program affects companies with 100 or more employees tendering for goods and/or services contracts of $200,000 or more. As a prerequisite to bidding, they must sign a Certificate of Commitment certifying that they will implement 11 employment equity criteria. (Please refer to the following publication for more information: "Employment Equity, Federal Contractors Program".)

Companies having received contracts are subject to on-site compliance reviews carried out by Employment Equity Branch officials who will judge the company's compliance with the certified commitment. Failure to comply may result in sanctions, including the eventual exclusion of the company from future government business.

Overview of the Act's requirements and operation

IV

The Employment Equity Act applies to federally-regulated employers and Crown corporations with 100 or more employees. These employers operate primarily in the banking, transportation and communications industries.

The purpose of the Employment Equity Act is to achieve equality in the workplace. Employers are required to take the necessary action to achieve a representative workforce: develop an employment equity plan, set goals and timetables and file a report on their workforce.

In consultation with their employees, employers must develop and implement employment equity plans and programs. They must establish goals and timetables, identify and eliminate employment barriers, adopt positive action and make reasonable accommodation for differences.

As provided for in the legislation, the Minister of Employment and Immigration issued guidelines to employers in 1986 on how to develop and implement employment equity programs. In addition, various activities are carried out to assist employers in meeting their obligations under the Act.

Through the Employment Equity Branch and Regional Employment Equity Consultants, employers receive technical advice, information and tools to help them develop and implement programs and fulfil their reporting requirements. Employers are also provided with comprehensive data on the availability of designated group workers in the Canadian workforce.

The link between the two mandatory employment equity programs (Employment Equity Act and Federal Contractors Program) and other EIC programs and services helps keep employers informed of labour market initiatives, such as training and adjustment programs and Outreach projects, which can be of assistance to them.

Meetings have been held with major industrial sector employers and designated group organizations to examine ways in which Employment and Immigration Canada can

help promote the recruitment and training of designated group members. In addition, EIC provides access to the Job Accommodation Network, allowing employers who are interested in hiring persons with disabilities to review case histories of other employers who have successfully accommodated workers with disabilities.

Information and assistance are also offered to designated group organizations and other interested groups to explain the scope of the legislation and promote public scrutiny of employers' results. For example, information sessions and technical tools have been provided on the assessment and monitoring of employers' reports.

The Employment Equity regulations set out instructions for employers to follow in preparing the annual reports they must submit to the Minister of Employment and Immigration. These reports provide data on their workforces, including the total number of employees and the representation of designated group employees by industrial sector, geographic location, employment status, occupational category, salary range, hirings, promotions and terminations of employment.

Employers' reports are due by June 1 following the reporting year and are verified by Employment and Immigration Canada. EIC may seek prosecution against an employer for not complying with the reporting requirements. To date, two employers have been charged for failure to report as required.

Copies of employers' reports are also made available to the public at designated libraries across Canada and are forwarded to the Canadian Human Rights Commission (CHRC). Based on this data, designated group members have filed complaints under the Canadian Human Rights Act; notably, a coalition of organizations representing persons with disabilities filed charges against nine large employers. In addition, the CHRC has initiated two complaints based on employers' employment equity reports. The innovative provisions for public scrutiny of employer results have thus played a part in influencing the achievement of equity in the workplace.

EIC consolidates all the information in the employer reports and provides an extensive analysis on the situation of the designated groups. EIC monitors the rate of change and the progress employers have made in achieving a representative workforce. Annually, the Minister of Employment and Immigration tables a report in Parliament presenting a consolidation and analysis of the results achieved. The first annual report, which was tabled in Parliament in December 1988, provided benchmark data on the representation and distribution of designated groups in the federally-regulated workforce. The second report, tabled in December 1989, assessed and ranked employers according to industrial sector.

The first two years of reporting

V

Based on employers' reports for the first two years, the following is a brief summary of the status of the designated groups in the workforce covered under the Employment Equity Act.

In the first reporting period (1987), 373 employers submitted reports, covering a total workforce of 593,376 employees. For the second reporting period (1988), 372 employers filed reports covering a total workforce of 601,626 employees. The profiles presented highlight the representation of each of the four designated groups, their occupational distribution, salary profiles, and their share of hirings, promotions and terminations of employment. The data in the following analysis is drawn from the second Annual Report to Parliament on the Employment Equity Act.

Women

The 253,426 women employees reported by employers for 1988 constituted 42.12 per cent of the workforce under the Act, or 1.22 per cent more than the previous year.

These women were heavily concentrated in Clerical occupations and rarely employed in non-traditional occupational categories such as Skilled Crafts and Trades Workers, Semi-skilled Manual Workers and Other Manual Workers.* In the second reporting year, the representation of women increased in most occupations; however, their occupational profile continued to reflect a high degree of segregation.

Overall, women continued to be paid less than men, and the wage gap in full-time employment did not narrow significantly in the second reporting year. Women were more likely to be paid less than men in almost all occupational groups in all sectors.

Their share of full-time hirings increased from 37.35 per cent in 1987 to 41.17 per cent in 1988. Their share of full-time promotions also increased, from 51.05 per cent in 1987 to 55.42 per cent in 1988. Increases in hirings and promotions occurred in most occupations. However, the pattern of hirings and terminations reinforced the existing occupational distribution of women.

Aboriginal peoples

The 4364 aboriginal peoples reported by employers for 1988 constituted less than one per cent (.73 per cent) of the workforce under the Act, or .07 per cent more than the previous year.

Their representation remained low in all occupations, particularly in Upper-Level Manager, Middle and Other Manager and Professional occupations. In the second reporting year, the group's representation increased in Other Manual Worker, Service Worker, Foremen/Women and Semi-skilled Manual Worker occupations.

The wage gap between aboriginal peoples and the workforce under the Act did not narrow significantly in 1988. In addition to receiving lower average salaries, aboriginal peoples were more likely to be found in lower salary ranges within most occupational groups.

Their share of full-time hirings increased slightly over the first reporting year, while their share of full-time promotions changed only negligibly.

Persons with disabilities

Employers reported on 10,289 persons with disabilities for 1988; this constituted 1.71 per cent of the workforce under the Act, a slight increase (.12 per cent) over the first reporting year.

The representation of persons with disabilities increased slightly in all occupational categories except Upper-Level Managers and Service Workers. Both men and women with disabili-

* *Official titles are used for the 12 occupational groups under the Employment Equity Act. Please refer to the Employment Equity Act, Regulations and Schedules.*

ties working full time were more likely than all men and women working full time covered under the Act to work in Clerical occupations.

On the average, men and women with disabilities received slightly lower full-time salaries than the average full-time salaries for men and women in the workforce. The wage gap did not narrow in the second reporting year.

Only a small proportion of the full-time opportunities in all occupations went to persons with disabilities. In 1988, there was a slight increase (.16 per cent) in their share of full-time hirings and a negligible change in their share of promotions.

Members of visible minorities

In 1988, employers reported a total of 34,232 members of visible minorities. Of these, 55.96 per cent were women. Members of visible minorities constituted 5.69 per cent of the workforce under the Act, representing an increase of .7 per cent since the first reporting year.

The occupational representation of members of visible minorities varied widely. They were underrepresented in several occupations, including Upper-Level Manager, Foremen/Women, Semiskilled Manual and Other Manual Worker occupations. The group's representation was higher in Professional, Clerical and Supervisor occupations. The full-time occupational distribution differed considerably from that of the workforce under the Act. Both male and female members of visible minorities tended to be concentrated in Clerical and Professional occupations.

On the average, both male and female members of visible minorities were paid slightly lower full-time salaries than the average salaries of other full-time male and female employees. The wage gap decreased marginally in 1988. Their share of hirings and promotions increased in 1988. However, the pattern of hirings and promotions reinforced the existing occupational distribution of members of visible minorities.

General comment

While there have been some improvements (particularly for women and members of visible minorities), there has been public comment that the representation of designated groups is low and that the rate of change is too slow.

Looking ahead: possible directions

VI

The upcoming Parliamentary Review of the Employment Equity Act provides an opportunity to examine the operation of the legislation and to determine whether it is achieving its purpose. The basic question that needs to be asked is: "Does the Act work?"

The answer to this question, however, is far from simple. Interested parties may raise several complex and controversial issues. Bringing issues and concerns to the forefront at this time can provide a channel for dialogue and the sharing of opinions, offer insight into the broad spectrum of viewpoints and help consolidate ideas.

This section will identify some key issues for discussion and possible options for consideration. The issues raised here include coverage of the Act; employment equity plans, goals and timetables; the role of unions and employee representatives; reporting requirements; monitoring and enforcement; and administration of the Act.

Coverage

The Employment Equity Act currently covers 376 employers, with a combined workforce of approximately 615,000 employees. These figures may fluctuate slightly from year to year because of changes in the number of employees or the number of employers operating under federal jurisdiction.

One primary issue for consideration is whether coverage of the Act should be expanded or reduced.

There is some concern that the legislation is too limited in scope and should apply to a greater number of employers. In order to address this concern, the Act could be amended to cover all federally-regulated employers and Crown corporations, regardless of the number

of employees. Another option would be to lower the specified number of employees, for example to 75 or 50.

Any discussion of broadening the application of the Act to promote equity for a greater number of participants should consider, however, the administrative burden placed on smaller businesses, which may have less-structured payroll systems and fewer resources to meet employment equity obligations, such as reporting.

One solution may be to establish implementation and reporting requirements that are graduated to the size of employers' organizations. For example, smaller employers could be required to implement employment equity programs but could be exempt from reporting. Alternatively they could be required to submit only summary reports, with less detail than those required from larger employers.

Such modified reporting obligations would, of course, need to be accompanied by appropriate monitoring and enforcement provisions to ensure that all employers were meeting their obligations. On-site reviews, for instance, could be conducted for both small and larger organizations.

Similarly, consideration could be given to expanding the Federal Contractors Program. Currently this program applies to employers bidding on contracts valued at $200,000 or more. Options for expansion include: covering employers bidding on contracts of a lower value (e.g. $50,000); covering repeat or frequent contractors; and covering employers of contracts whose accumulated value is $200,000 (or some other amount to be specified). The program could also apply to contracts in the area of construction and legal services.

Another issue concerning the application of the Act is the continuity of coverage. Fluctuations in the number of employees within an organization may mean that an employer who is covered under the Act one year may not be covered the next year. Some thought might be

given to amending that Act so that coverage would continue even if the size of an employer's workforce fell below the threshold number of employees. This is significant since employment equity programs involve short and long-term planning, which is most effective on a continuous basis.

Employment equity plans, goals and timetables

Sections 4 and 5 of the Act specify that the employer must develop and implement employment equity plans and programs with goals and timetables.

Section 4 requires employers, in consultation with employee representatives or bargaining agents, to identify and eliminate systemic employment barriers against designated groups, adopt positive policies and practices and make reasonable accommodation for differences. It also establishes that the representation of designated groups must be at least proportional to their availability in the external workforce.

Section 5(1) of the Act requires that the employer prepare a plan setting out the goals to be achieved during the year or subsequent years, and a timetable for implementation. Section 5(2) requires employers to retain a copy of their plan for a period of at least three years after the last year to which the plan applies.

While these sections recognize the necessity of an employment equity plan for achieving results, one issue for discussion is whether the legislation should be more specific on the development of an employment equity plan and the establishment of goals and timetables. (The related issue of whether employers' plans should be subject to review and approval by EIC is discussed below under "Monitoring and enforcement".)

Designated group members in particular have raised concerns about the lack of significant change in the representation of designated groups and have called for the imposition of mandatory goals and timetables as a solution. Opponents of such an approach have stressed the importance of employer flexibility in determining practical equity goals, which are tailored to individual operational needs and are achievable within a reasonable time frame. It is also important to include qualitative elements in employment equity plans and programs, including such items as improvements to working conditions, adjustments to retain employees and changes in employment practices.

Any discussion of mandatory goals and timetables would need to address such questions as: who would establish them; how realistic goals and timetables would be developed for the wide variety of employers in different industries and economic situations; and how they would be enforced.

If, as has been suggested, employers were to follow an established formula specifying goals and timetables, such a formula would need to take into account employers' opportunities for change, levels of turnover, levels of availability of designated groups and the source data to be used by employers.

The Role of unions and employee representatives

The Employment Equity Act requires employers to consult with their employees in the implementation of equity programs. Section 4 states:

"An employer shall, in consultation with such persons as have been designated by employees to act as their representatives or, where a bargaining agent represents the employees, in consultation with the bargaining agent, implement employment equity...."

"Consultation" is defined in the guidelines issued by EIC after the Act was proclaimed:

". . . consultation means that the employer must supply sufficient information and sufficient opportunity to employee representatives or bargaining agents to enable them to ask ques-

tions and submit advice on the implementation of Employment Equity." (*Employment Equity: A Guide for Employers,* p. 17)

Both employers and unions have voiced concerns about the nature of the consultation process in employment equity planning and implementation. A lack of co-operation by either party can impede the successful implementation of an employment equity program.

Some unions have called for a clearer definition of consultation in the legislation, claiming they have not been adequately consulted on employment equity issues. Some employers, particularly those with union hiring halls, have indicated their difficulties in implementing equity initiatives and being held entirely accountable for their employment equity results while having little control over hiring lists.

Apart from redefining consultation in the legislation, one way to increase the involvement of employees and unions could be to provide for the formation of joint union-management committees to work on developing and implementing employment equity programs.

Reporting requirements

The information gathered by employers in preparing their annual reports is a vital tool in their employment equity planning and monitoring. Employers' reports are also essential for the public scrutiny and EIC monitoring of employers' results, which are consolidated and analysed in the minister's annual report to Parliament.

Review of the legislation will provide an opportunity to evaluate existing reporting requirements and determine whether any changes are warranted. The experience gained during the initial reporting years may serve as the basis for suggestions to adapt and streamline the reporting requirements.

For example, the existing occupational categories could be refined, the definition of employee could be clarified, the obligation for a corporate seal on individual employer reports could be eliminated, or consolidated reporting could be allowed if two or more organizations were under joint control.

Reporting requirements may also be evaluated more broadly to determine whether the level of information required or the frequency of reporting should be changed. For example, is there a need for additional data on training opportunities for designated group employees, or for tracking the occupational categories from which employees are promoted? Should employers report on more or fewer designated Census Metropolitan Areas?

Changes in the level or frequency of reporting would have to reflect the purposes for which data are gathered: the needs of employers in implementing effective equity programs, the role of public scrutiny, and the monitoring of employers' results by EIC.

In addition, employers' concerns about the administrative and financial costs of reporting must be recognized. It has been suggested that reporting every two years would be reasonable, in view of the time required for change to occur within an organization.

Any changes in the level or frequency of reporting must also be assessed in conjunction with other possible changes to the legislation. If the Act were amended to cover smaller businesses or if employers' obligations were increased in areas such as the submission of plans, a reduction in the reporting requirements could be necessary. And allowance should perhaps be made for reporting systems that employers already have in place.

Finally, modified reporting obligations should be examined in the light of employment equity obligations placed on employers by other juris-

dictions. If employers are also required to report under municipal or provincial programs, efforts must be made to ensure that reporting requirements are compatible across jurisdictions.

Monitoring and enforcement

Section 7 of the Act provides for a sanction against employers who do not file an annual report as required:

"An employer who fails to comply with Section 6 is guilty of an offence and liable on summary conviction to a fine not exceeding fifty thousand dollars."

However, there are no provisions for monitoring and enforcing Sections 4 and 5 of the Act, which obligate employers to develop and implement employment equity plans and programs. This has been a source of concern, particularly to labour and designated group organizations. Should there be stronger and perhaps more clearly defined monitoring and enforcement powers in the Employment Equity Act? If so, what form should they take?

Possible options for ensuring that employers meet their obligations to implement equity plans include the mandatory submission of employers' plans to EIC for review and approval, or the monitoring of plans through audits or on-site reviews. An audit could entail employers submitting material to EIC officials on their employment equity plans and programs, based on specified requirements. On-site compliance reviews involve visiting employers' work sites and viewing their employment equity program in operation. EIC has gained experience in on-site reviews under the Federal Contractors Program.

Whatever monitoring and enforcement mechanisms were chosen, appropriate sanctions and remedies would be required in cases of employer non-compliance.

Administration of the Act

The Minister of Employment and Immigration is responsible for the administration and enforcement of the Employment Equity Act. However, some employers have suggested that the legislation needs to clarify the roles and responsibilities of EIC in relation to other government agencies and departments.

As EIC's mandate also covers the Federal Contractors Program, an Office of Employment Equity, with clearly defined responsibilities and powers, could be established within EIC to administer both programs jointly. This office could maintain links with other EIC programs and services working to ensure the effective and efficient functioning of the Canadian labour market.

VII Conclusion

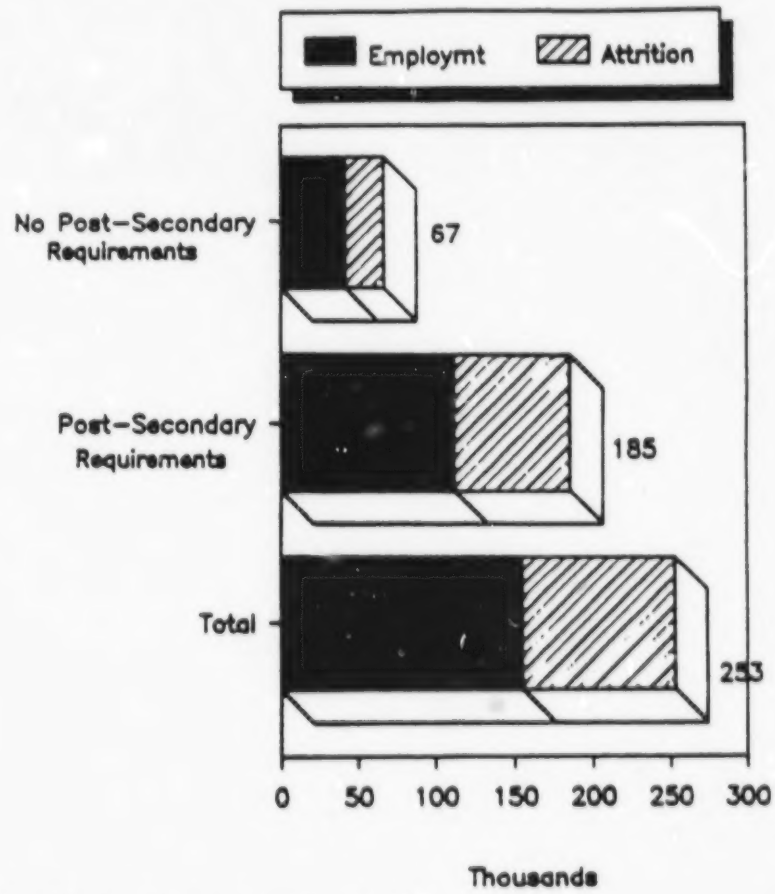
This paper has presented a few issues and options concerning possible directions for the Employment Equity Act. It is hoped that the discussion it stimulates in the months leading up to the 1991 Parliamentary Review of the Employment Equity Act will result in a fruitful exchange of ideas and opinions among interested parties, including employers, labour and employee associations, designated group organizations and representatives from various levels of government.

APPENDIX III

ALBERTA LABOUR REQUIREMENTS

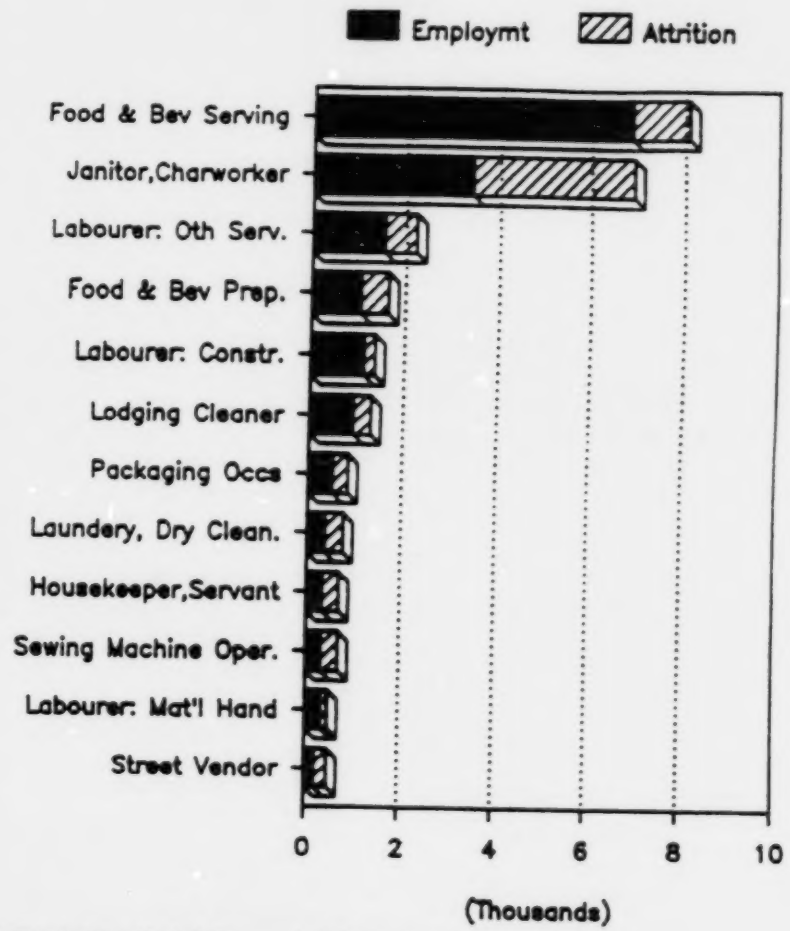
IN THE 1990s

Estimated Manpower Requirements
Alberta, 1989 – 1994



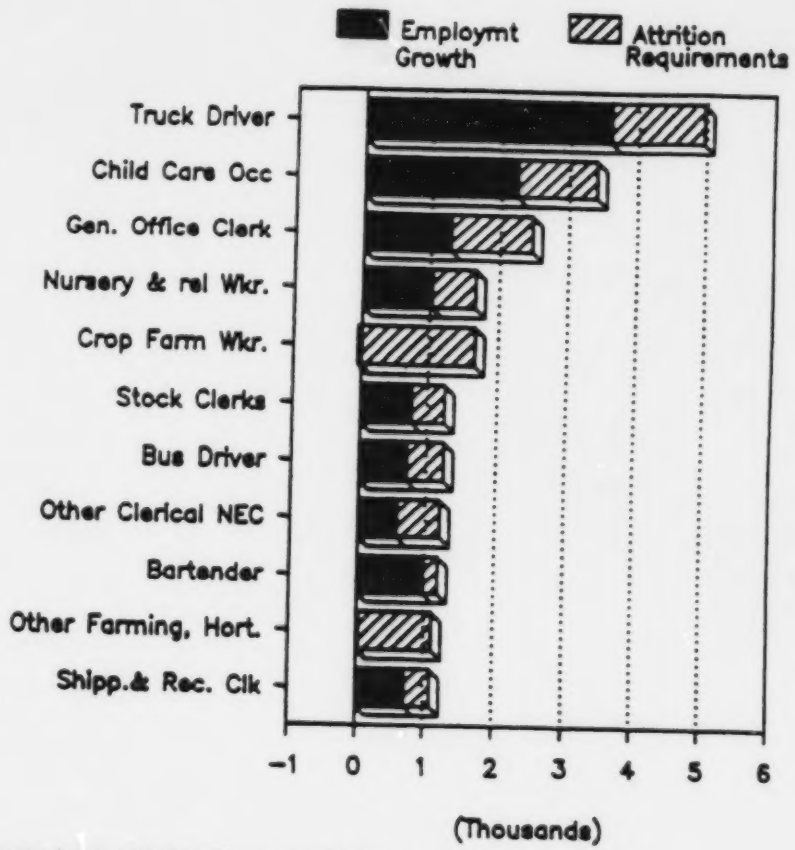
Source: Labour Market Research Division, Jan.90.

Largest Manpower Requirements for Occupations With No Educational Requirements Alberta, 1989 – 1994



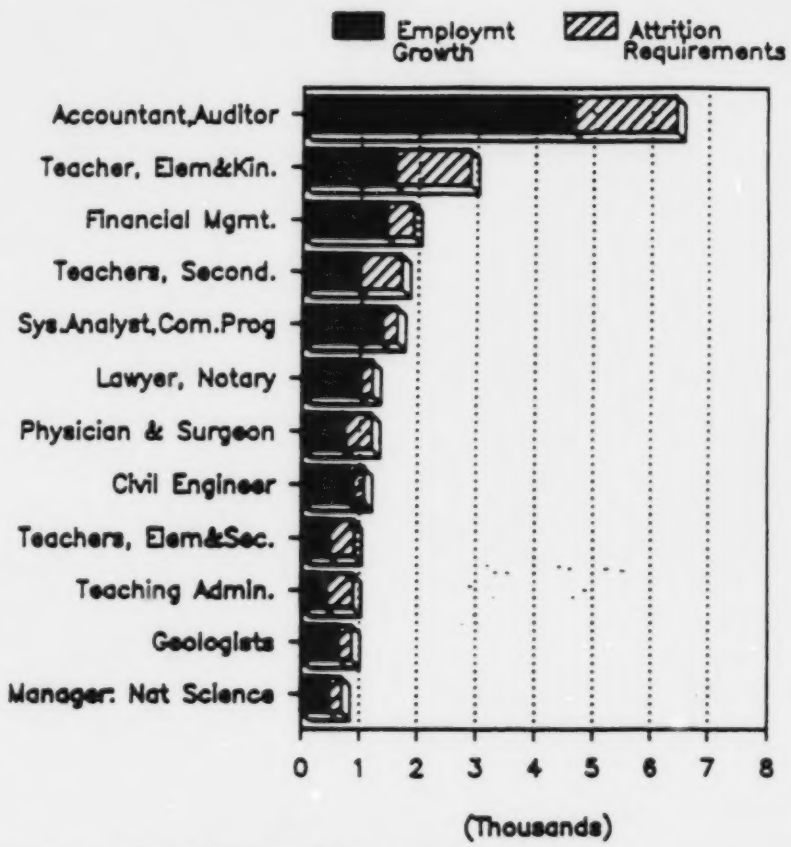
Source: Labour Market Research Division, Jan.90.

Largest Manpower Requirements for Occupations Requiring High School, Alberta, 1989 – 1994



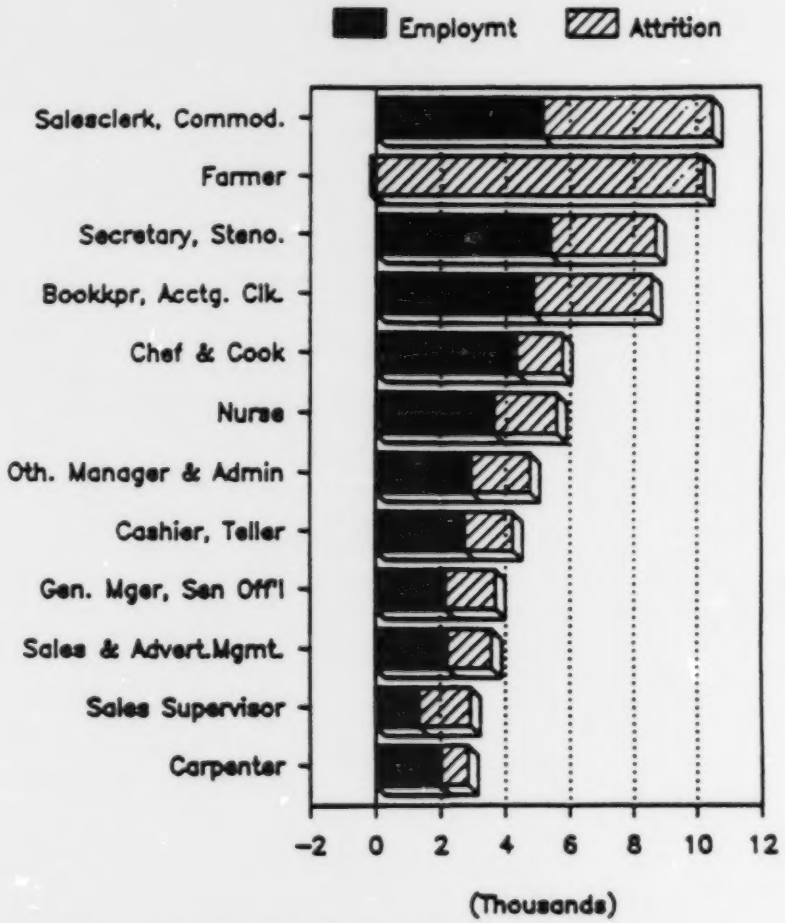
Source: Labour Market Research Division, Jan.90.

Largest Manpower Requirements for Occupations Requiring University Degree 1989 – 1994



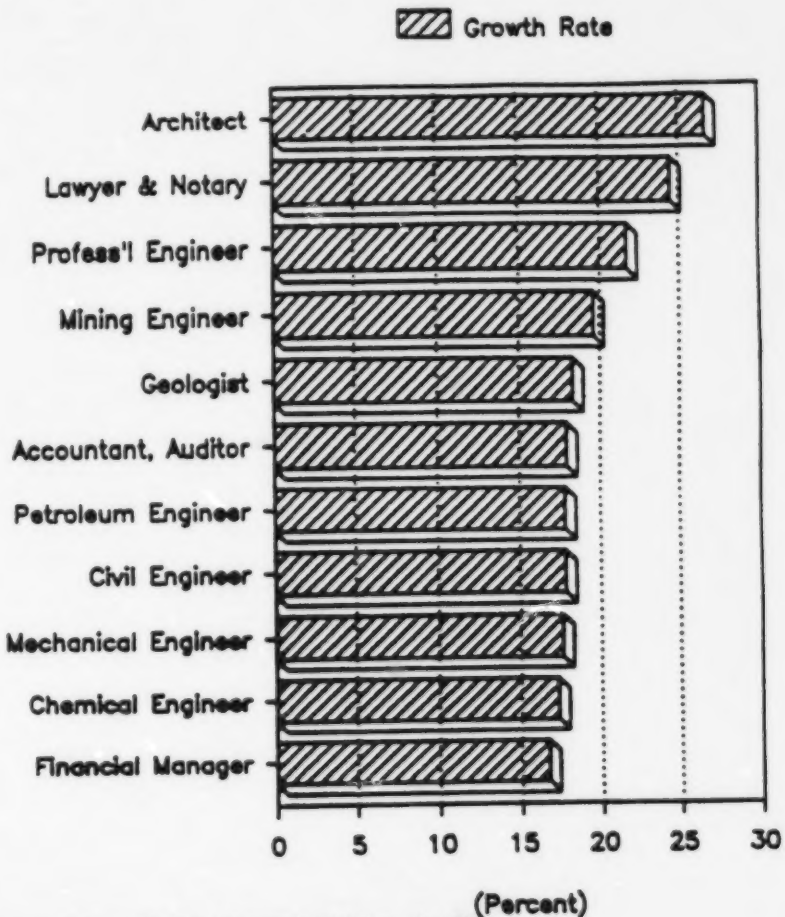
Source: Labour Market Research Division, Jan.90.

Largest Manpower Requirements for Occupations Requiring College/Institute or Apprenticeship Training, Alberta, 1989 – 1994

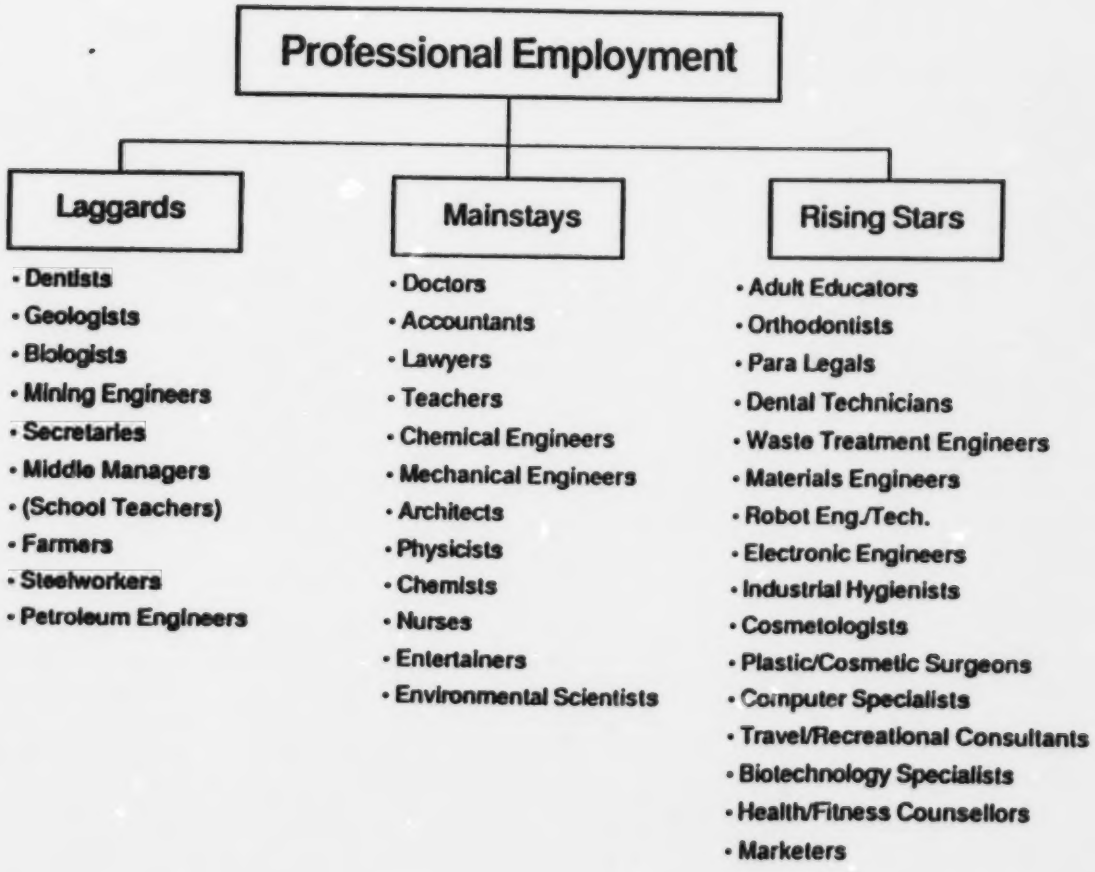


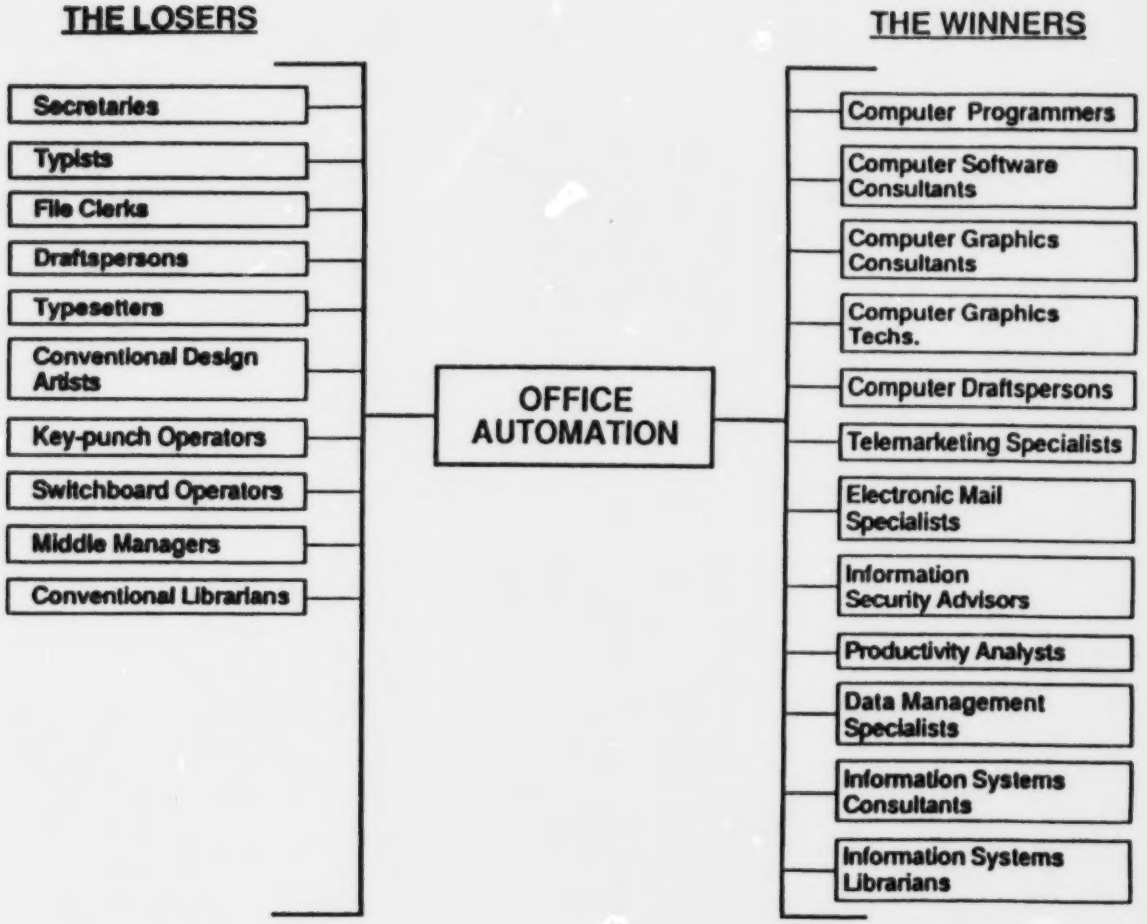
Source: Labour Market Research Division, Jan.90.

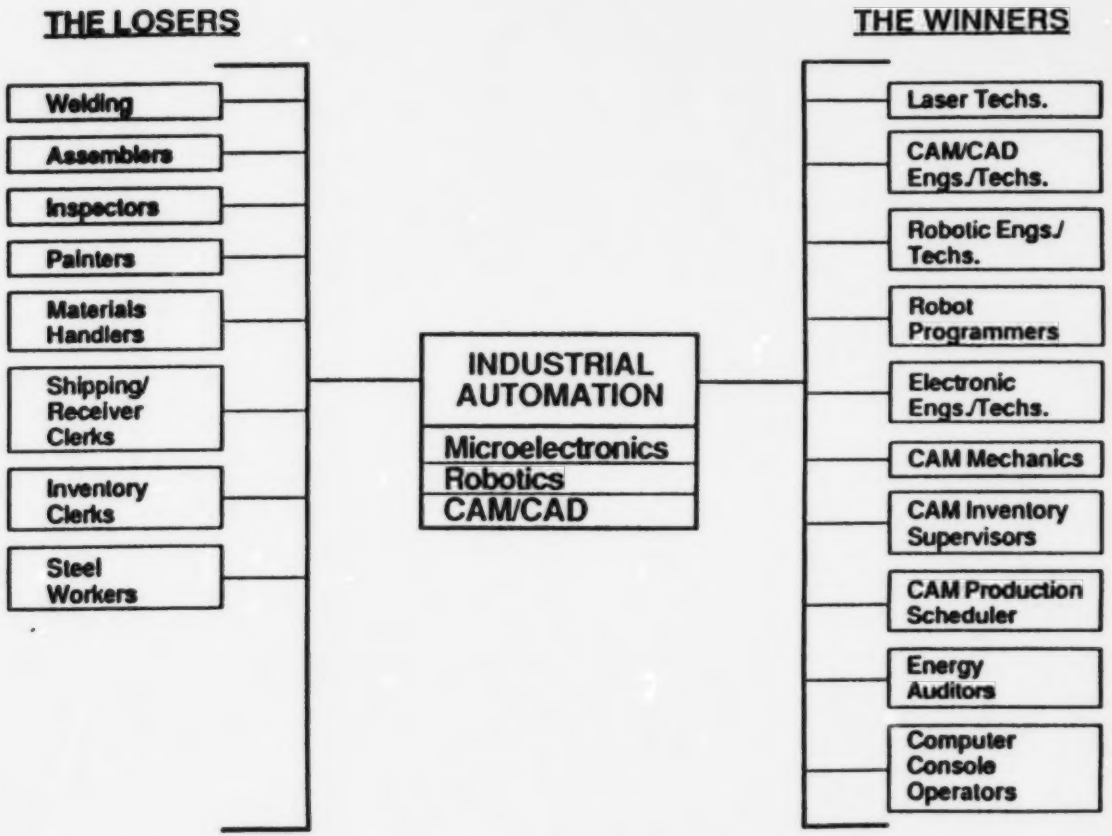
Fastest Growing Occupations Requiring University Training
Alberta, 1989 – 1994

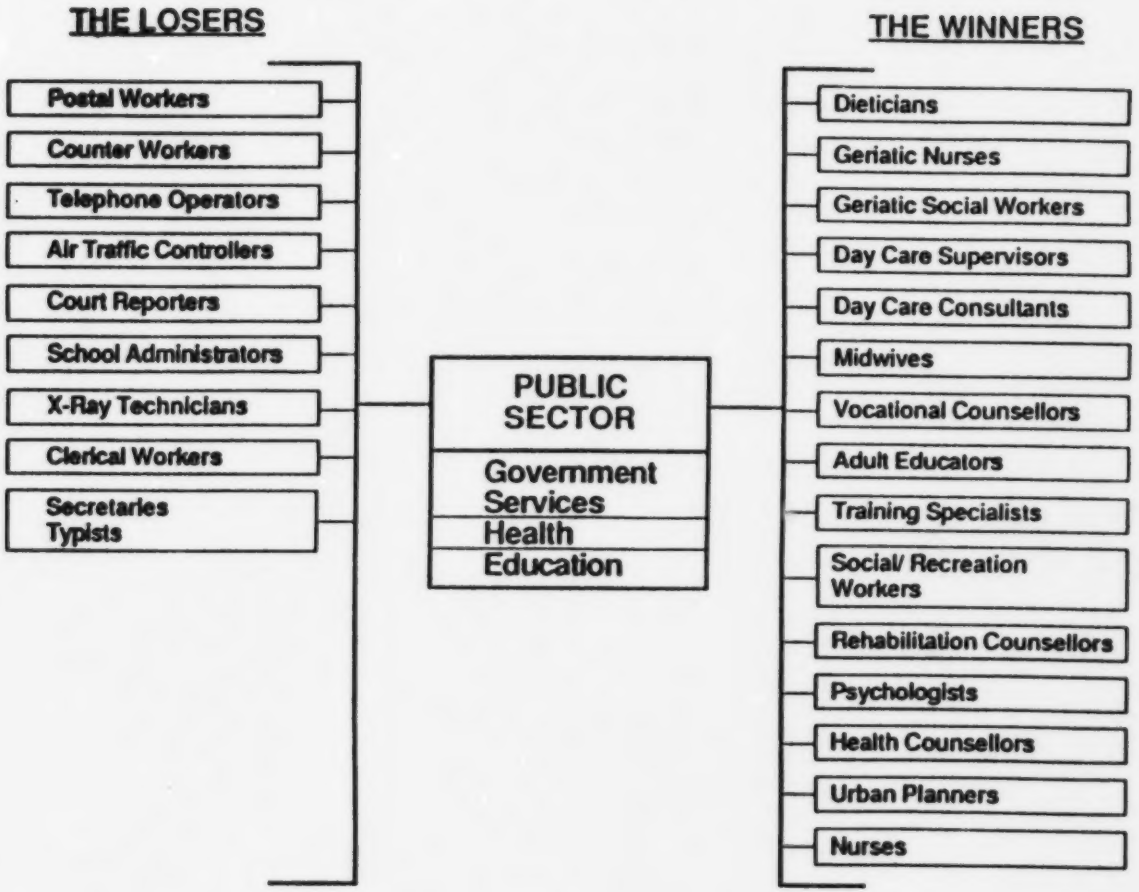


Source: Labour Market Research Division, Jan.90.
Note: Includes occs that gain more than 50 persons.

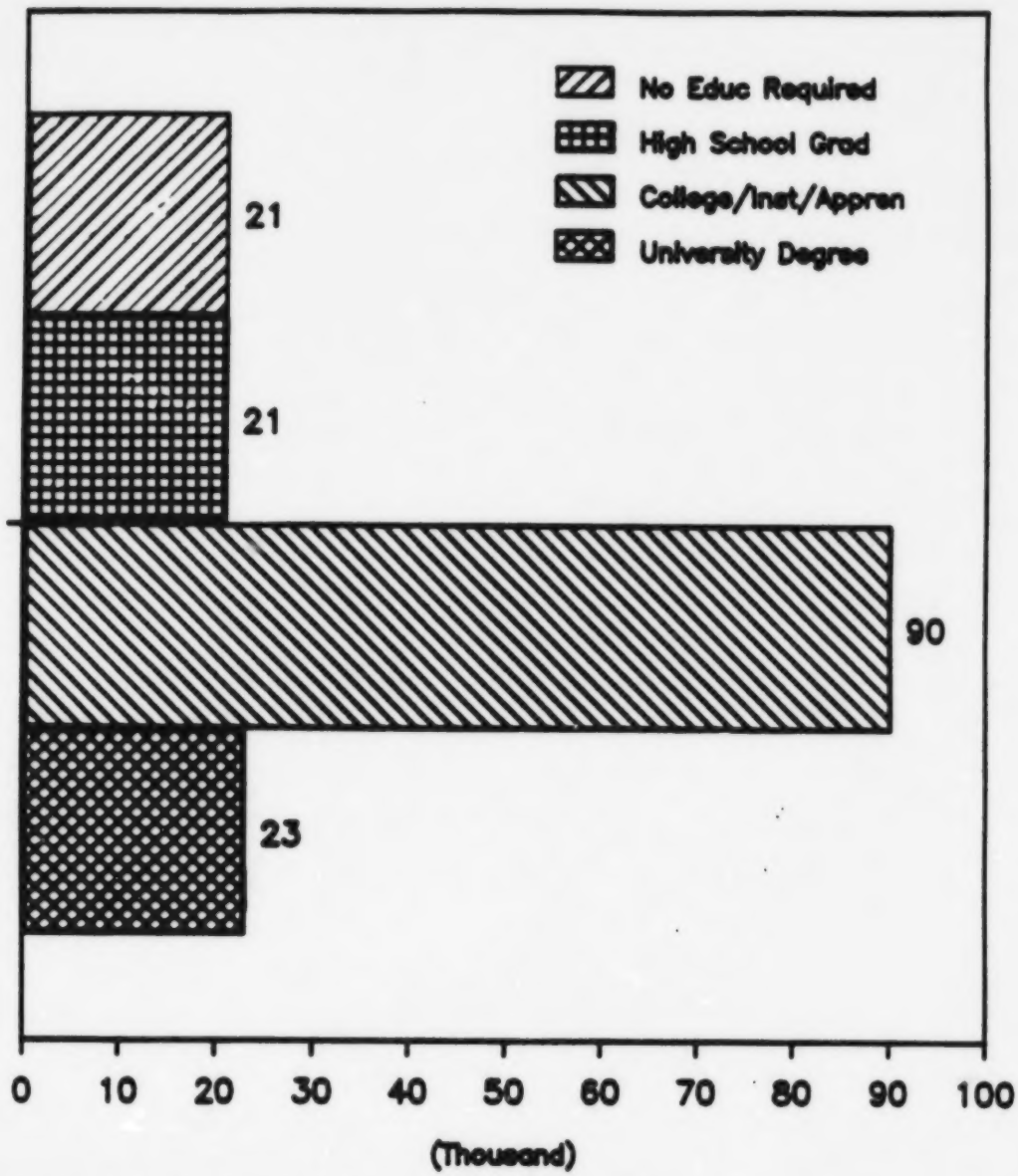

Professional Employment
Laggards
• Dentists
• Geologists
• Biologists
• Mining Engineers
• Secretaries
• Middle Managers
• (School Teachers)
• Farmers
• Steelworkers
• Petroleum Engineers
Mainstays
• Doctors
• Accountants
• Lawyers
• Teachers
• Chemical Engineers
• Mechanical Engineers
• Architects
• Physicists
• Chemists
• Nurses
• Entertainers
• Environmental Scientists
Rising Stars
• Adult Educators
• Orthodontists
• Para Legals
• Dental Technicians
• Waste Treatment Engineers
• Materials Engineers
• Robot Eng./Tech.
• Electronic Engineers
• Industrial Hygienists
• Cosmetologists
• Plastic/Cosmetic Surgeons
• Computer Specialists
• Travel/Recreational Consultants
• Biotechnology Specialists
• Health/Fitness Counsellors
• Marketers


THE LOSERS
Secretaries
Typists
File Clerks
Draftspersons
Typesetters
Conventional Design Artists
Key-punch Operators
Switchboard Operators
Middle Managers
Conventional Librarians
OFFICE AUTOMATION
THE WINNERS
Computer Programmers
Computer Software Consultants
Computer Graphics Consultants
Computer Graphics Techs.
Computer Draftspersons
Telemarketing Specialists
Electronic Mail Specialists
Information Security Advisors
Productivity Analysts
Data Management Specialists
Information Systems Consultants
Information Systems Librarians


THE LOSERS
Welding
Assemblers
Inspectors
Painters
Materials Handlers
Shipping/ Receiver Clerks
Inventory Clerks
Steel Workers
INDUSTRIAL AUTOMATION
Microelectronics
Robotics
CAM/CAD
THE WINNERS
Laser Techs.
CAM/CAD Engs./Techs.
Robotic Engs./ Techs.
Robot Programmers
Electronic Engs./Techs.
CAM Mechanics
CAM Inventory Supervisors
CAM Production Scheduler
Energy Auditors
Computer Console Operators


THE LOSERS
Postal Workers
Counter Workers
Telephone Operators
Air Traffic Controllers
Court Reporters
School Administrators
X-Ray Technicians
Clerical Workers
Secretaries
Typists
PUBLIC SECTOR
Government Services
Health
Education
THE WINNERS
Dieticians
Geriatic Nurses
Geriatic Social Workers
Day Care Supervisors
Day Care Consultants
Midwives
Vocational Counsellors
Adult Educators
Training Specialists
Social/ Recreation Workers
Rehabilitation Counsellors
Psychologists
Health Counsellors
Urban Planners
Nurses

Projected Employment Change by Skill Level, Alberta, 1989 – 1994

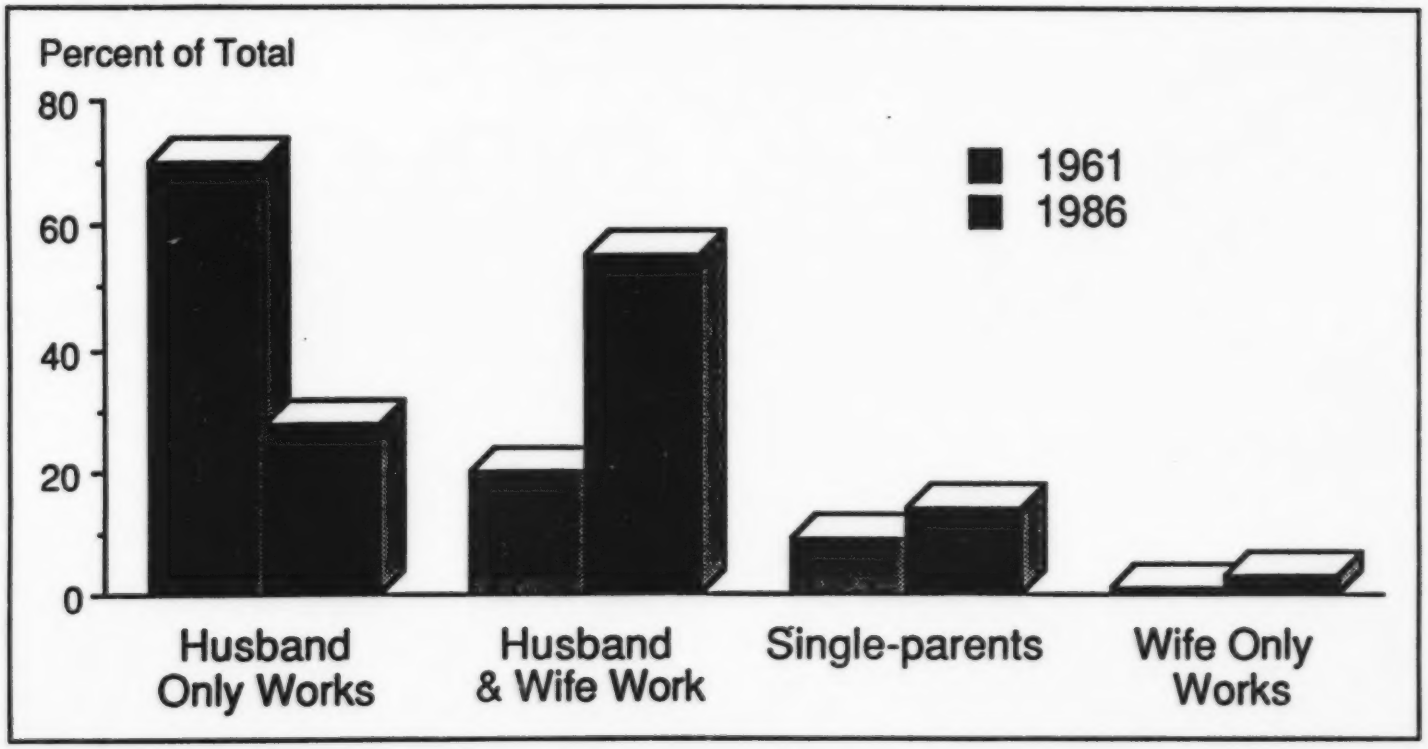


Source: Labour Market Research Division, Jan.90.

APPENDIX IV

GRAPH A

Changing Family Structure 1961-86



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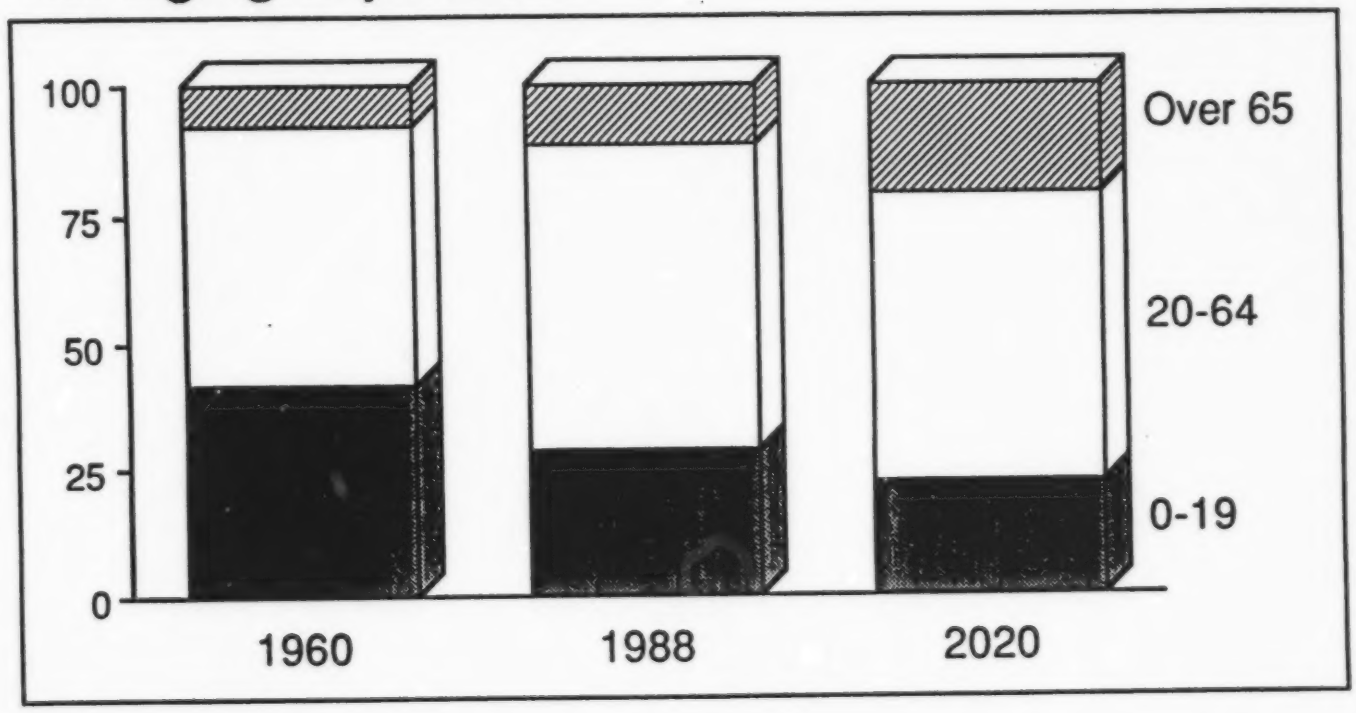
GRAPH B

The Aging Population



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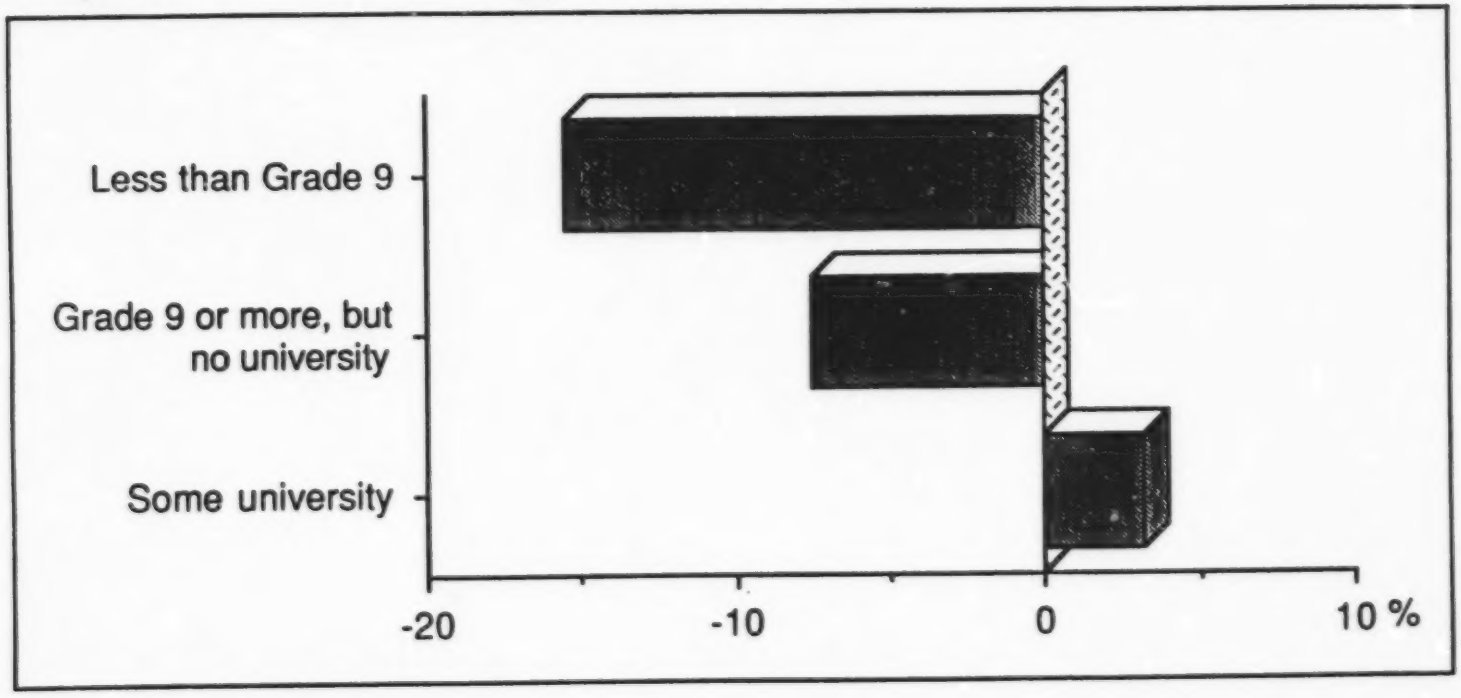
GRAPH C

Impact of Technology on Employment, 1971-81



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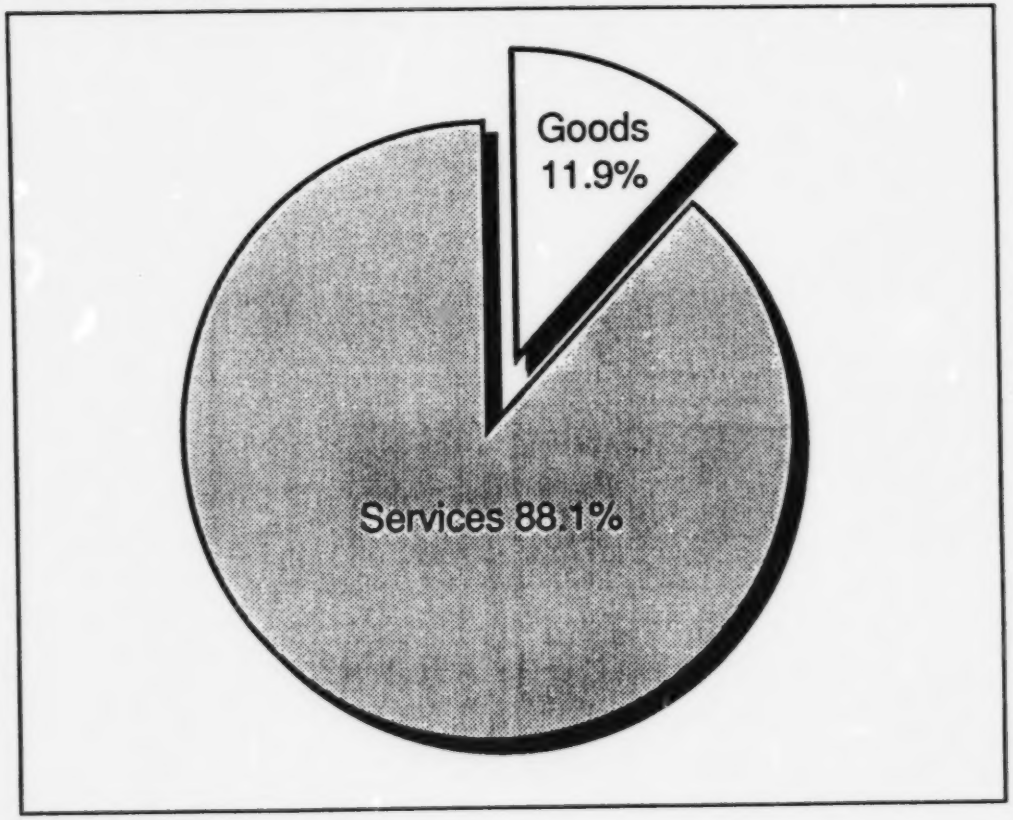
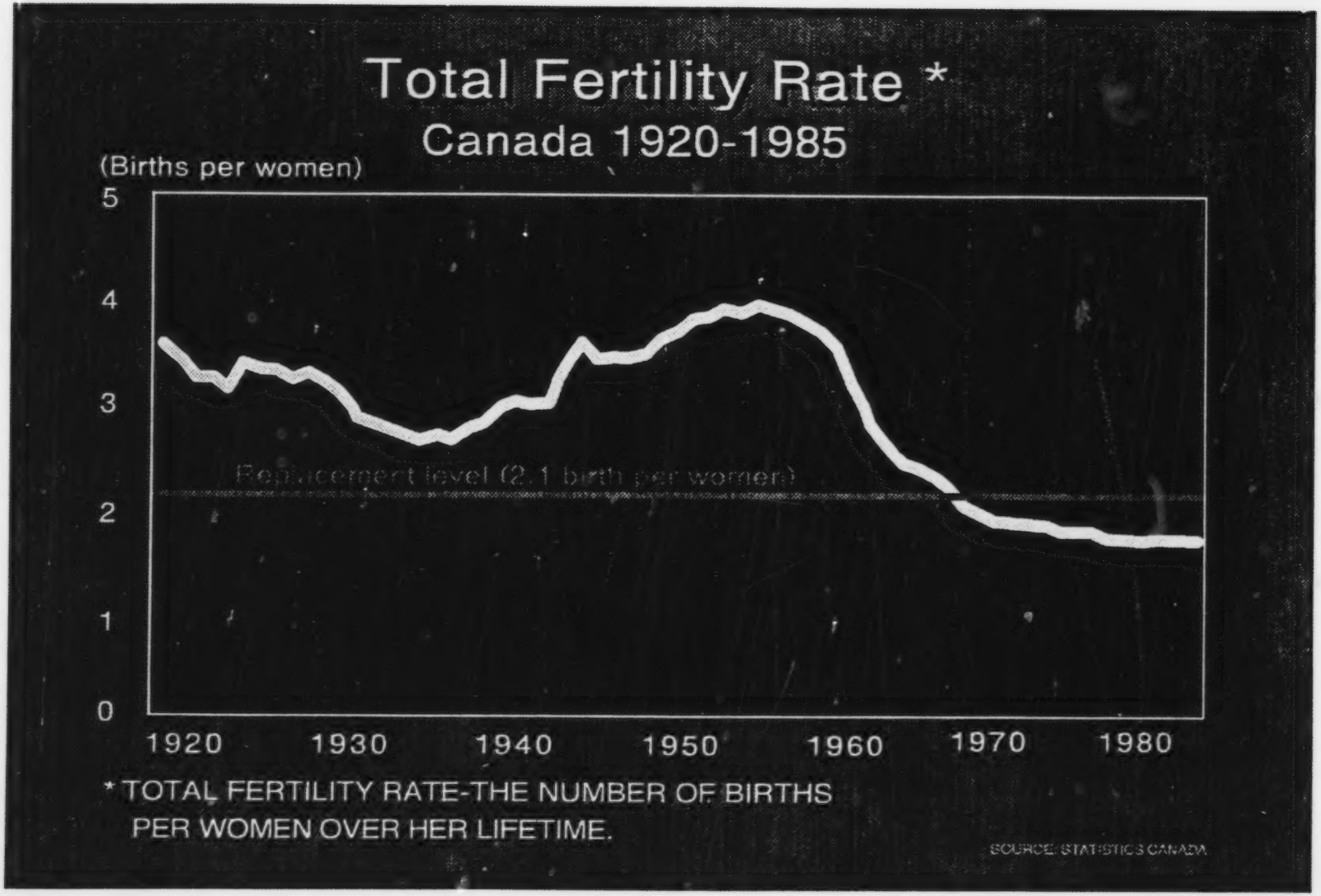
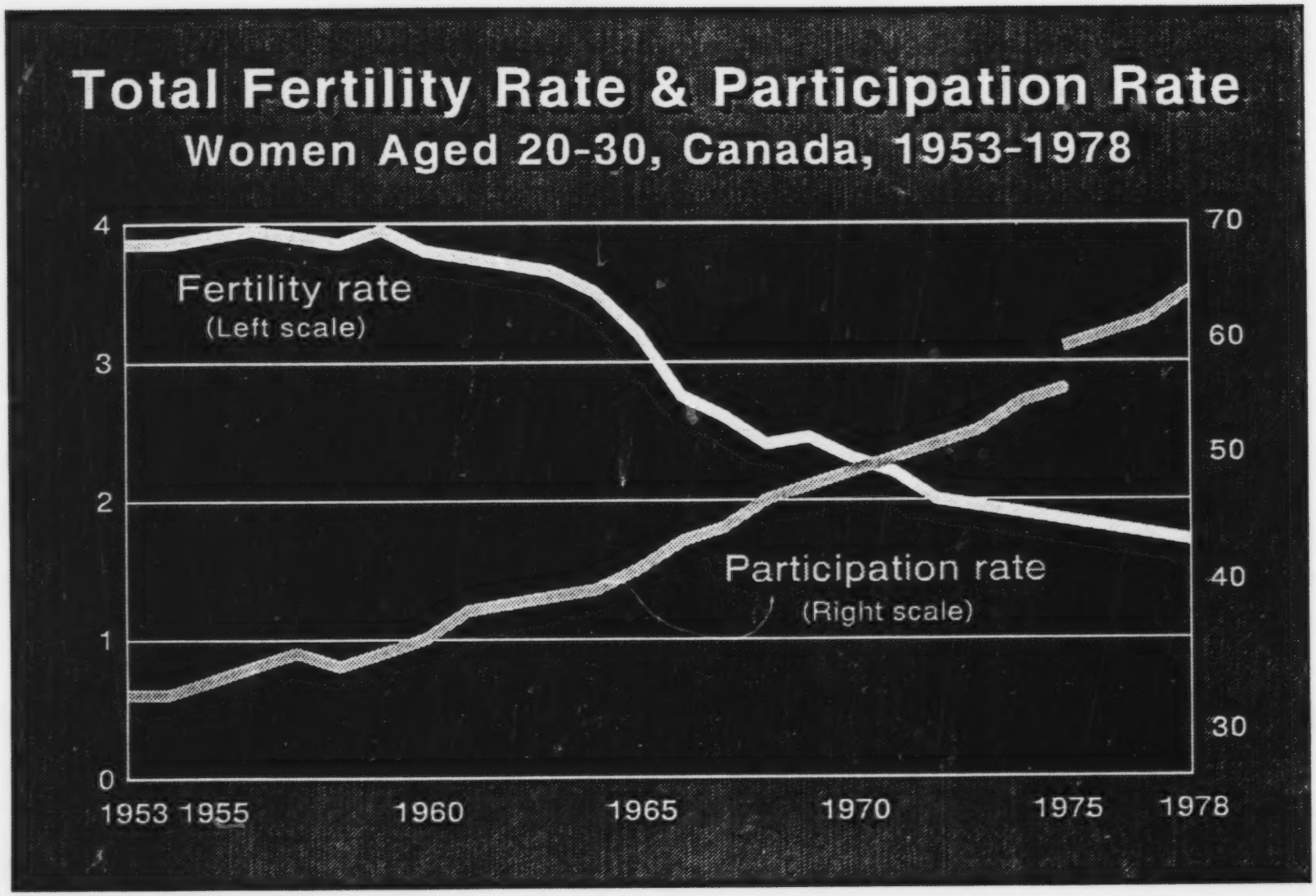
GRAPH D

Contribution of Services to Employment Growth, 1967-88

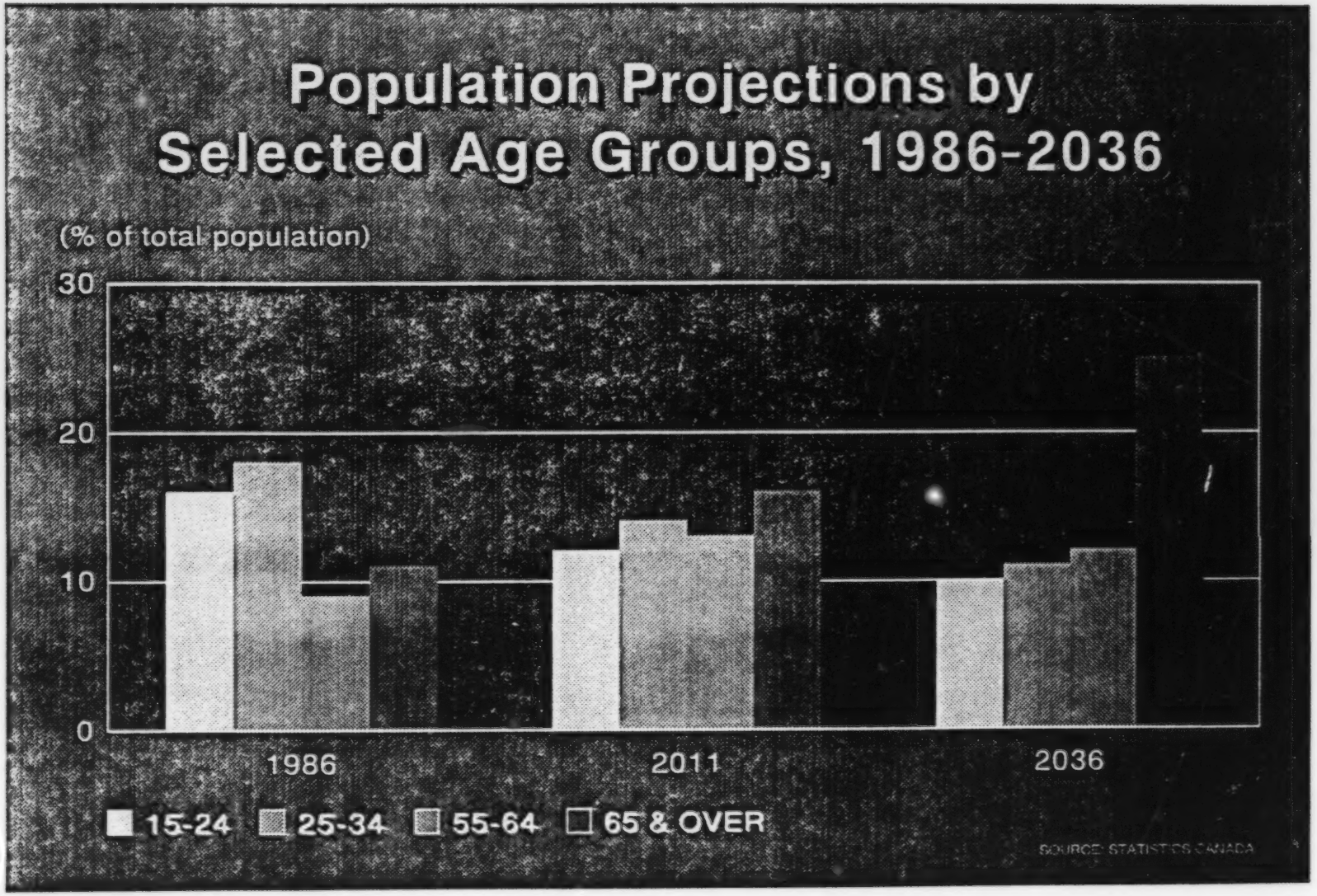


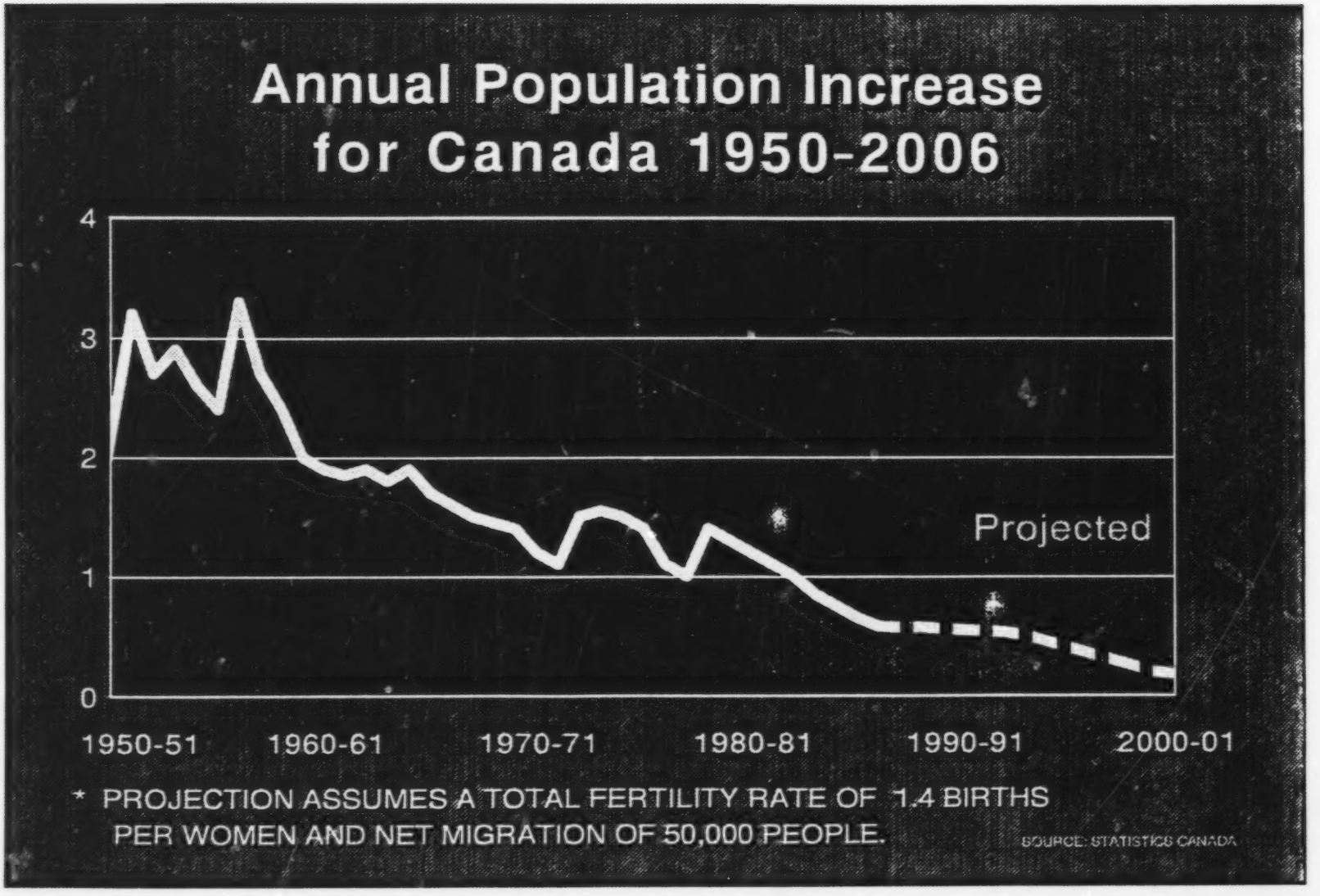
12B/01/90


Total Fertility Rate *
Canada 1920-1985
(Births per women)
5
4
3
2
1
0
Replacement level (2.1 birth per women)
1920
1930
1940
1950
1960
1970
1980
* TOTAL FERTILITY RATE-THE NUMBER OF BIRTHS PER WOMEN OVER HER LIFETIME.
SOURCE: STATISTICS CANADA

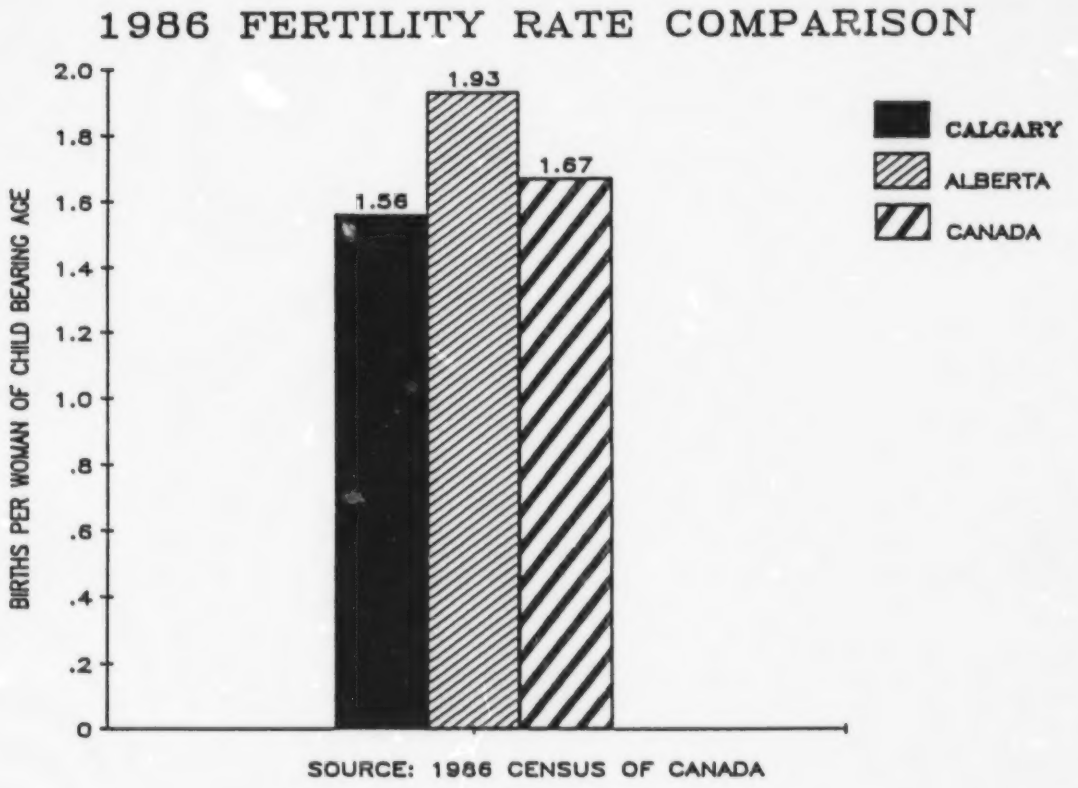


SOURCE : STATISTICS CANADA.


Population Projections by
Selected Age Groups, 1986-2036
(% of total population)
30
20
10
0
1986
2011
2036
15-24
25-34
55-64
65 & OVER
SOURCE: STATISTICS CANADA


Annual Population Increase
for Canada 1950-2006
4
3
2
1
0
Projected
1950-51
1960-61
1970-71
1980-81
1990-91
2000-01
* PROJECTION ASSUMES A TOTAL FERTILITY RATE OF 1.4 BIRTHS PER WOMEN AND NET MIGRATION OF 50,000 PEOPLE.
SOURCE: STATISTICS CANADA

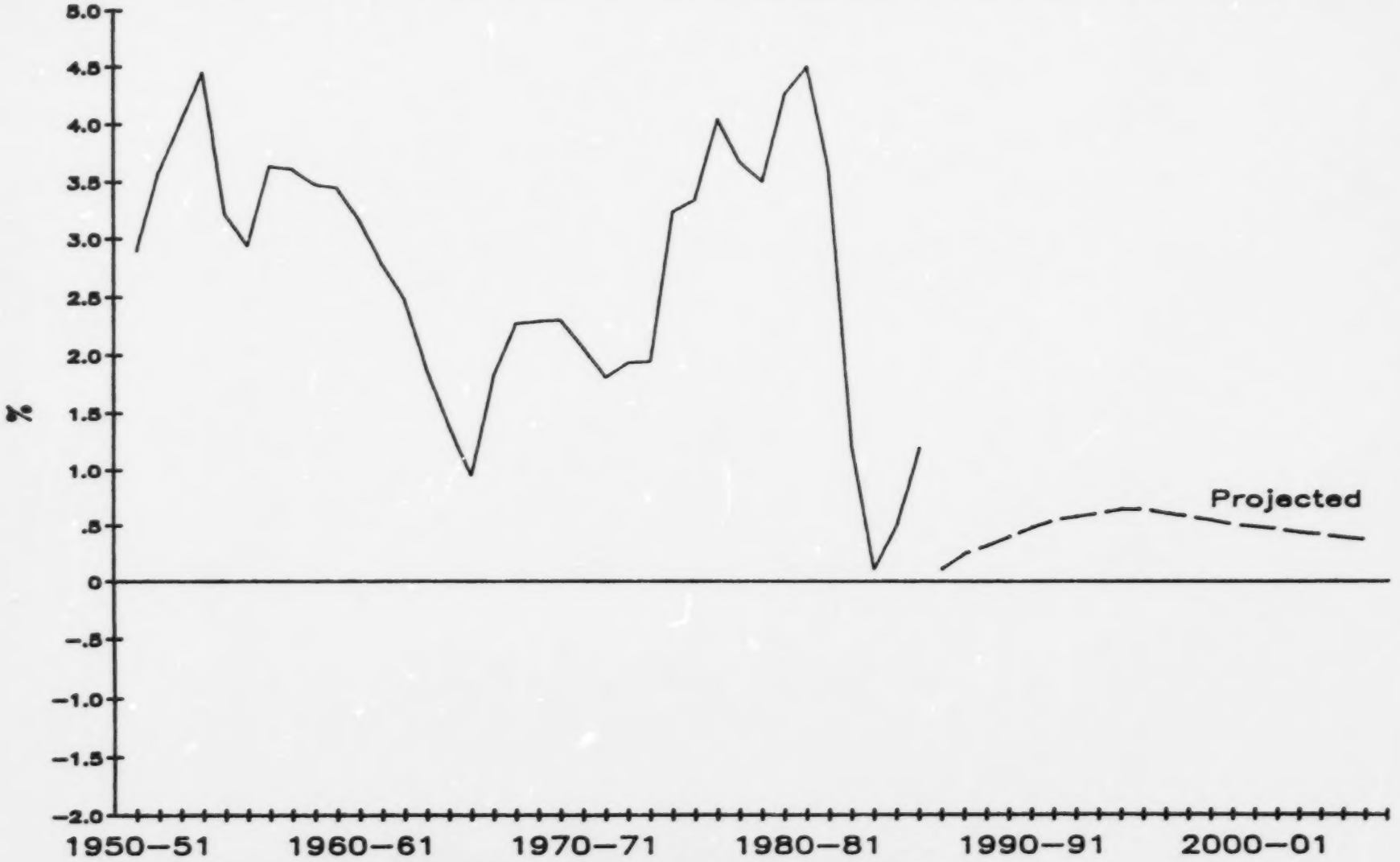
DEMOGRAPHICS



SOURCE: 1986 CENSUS OF CANADA

10/88

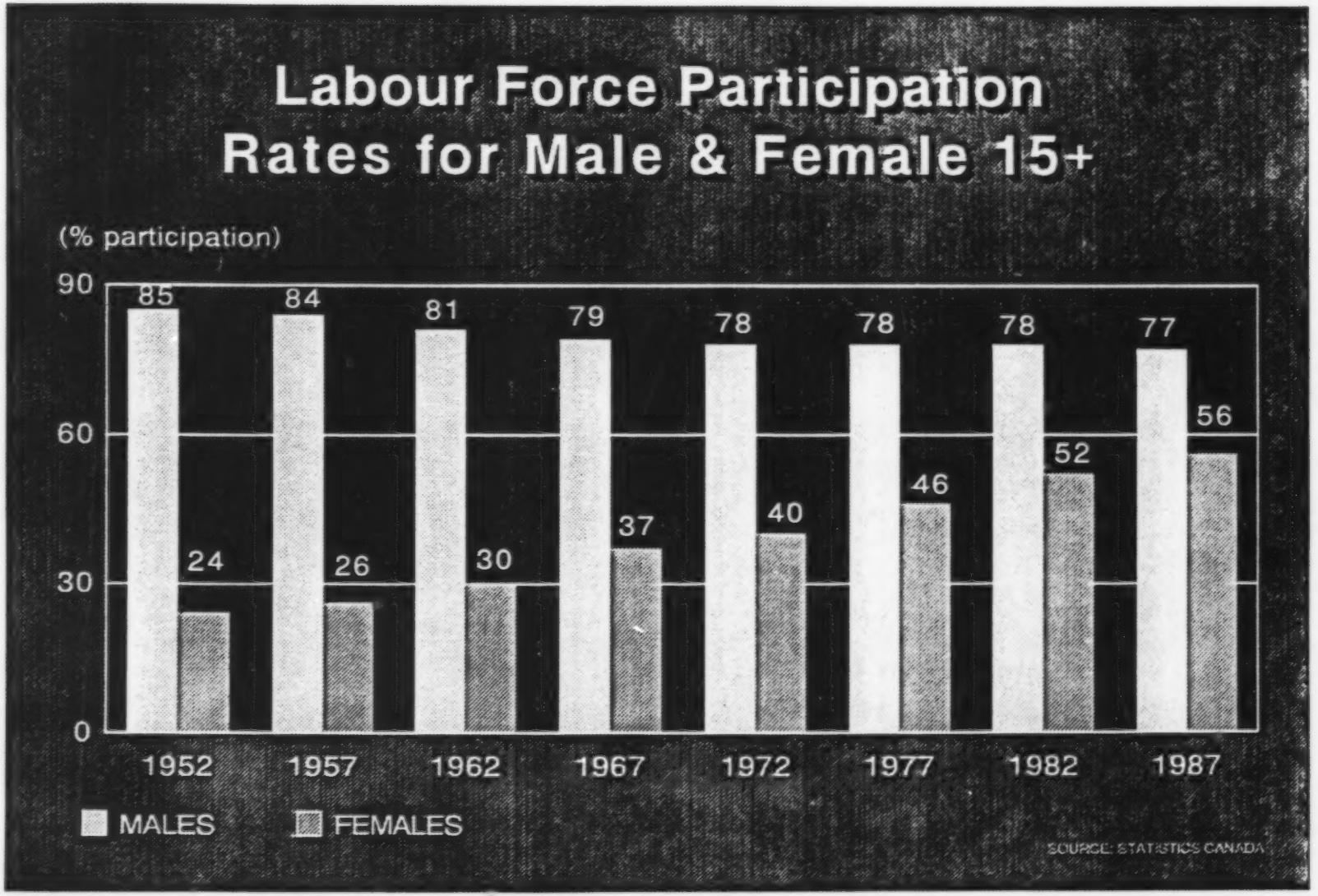
Annual Population Increase for Alberta, 1950–2006



• Projection assumes a total fertility rate of 1.4 births per woman and net migration of 80 000 people.

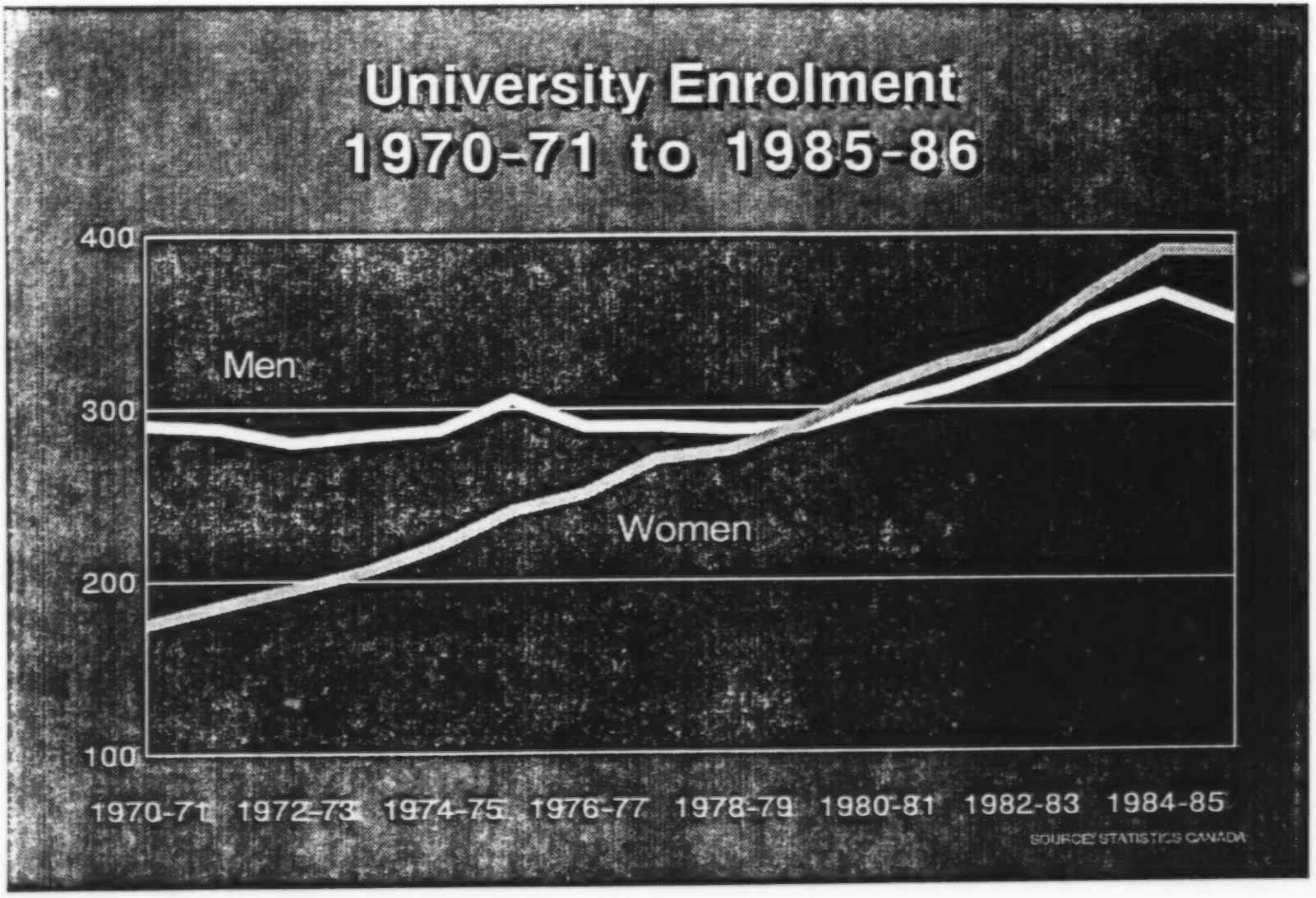
Source: Statistics Canada, Catalogue Nos. 91–210 and 91-520.

Labour Force Participation Rates
1966-1986
90
60
30
0
All men 15 & over
Married women
All women 15 & over
1965
1970
1975
1980
1985
SOURCE: STATISTICS CANADA


Labour Force Participation
Rates for Male & Female 15+
(% participation)
90
60
30
0
85
24
84
26
81
30
79
37
78
40
78
46
78
52
77
56
1952
1957
1962
1967
1972
1977
1982
1987
MALES
FEMALES
SOURCE: STATISTICS CANADA

Labor Force Participation
of Women by Selected Age Groups
(% participation)
80
60
40
20
0
46
56
58
66
55
74
49
64
32
35
ALL WOMEN
15 TO 24
25 TO 44
45 TO 54
55 TO 64
1977
1987
SOURCE: STATISTICS CANADA

Female Labour Force Participation Rate by Education 1986
TOTAL
UNIVERSITY DEGREE
UNIV./COLLEGE CERT.
SOME POST SEC.
GRADUATED 12/13
ATTENDED GRADE 9-13
LESS THAN GRADE 9
56
81
75
69
63
46
25
0
25
50
75
100
SOURCE: STATISTICS CANADA


University Enrolment
1970-71 to 1985-86
400
300
200
100
Men
Women
1970-71
1972-73
1974-75
1976-77
1978-79
1980-81
1982-83
1984-85
SOURCE: STATISTICS CANADA

LABOUR FORCE PARTICIPATION RATE FOR FEMALES AND MALES ALBERTA, 1981 - 1987

YEAR	MALES	FEMALES
1981	85.1	59.0
1982	83.7	58.7
1983	83.0	59.8
1984	82.7	61.2
1985	82.5	61.1
1986	82.1	62.1
1987	81.4	62.7
1988	81.0	64.0

SOURCE: ALBERTA BUREAU OF STATISTICS. (1987, 1988).

Average Income by Education & Sex in Canada for 1985

Education	Women	Men	Women's Income as a % of Men's Income
	(Dollars)		(Percentage)
0-8 years	8,668	16,955	51.1
Some High School & no Post-secondary	10,948	20,529	53.3
Post-secendary	11,962	20,500	58.4
Certificate	15,568	25,908	60.1
University Degree	22,361	39,079	57.2

FACTORS IN CURRENT FERTILITY DECLINE

- FEWER PEOPLE MARRY AND THOSE WHO MARRY DO SO LATER
- RISING DIVORCE RATE
- AVAILABILITY OF HIGHLY EFFECTIVE BIRTH CONTROL:
  - CONTRACEPTIVE STERILIZATION
  - THERAPEUTIC ABORTION
- REDUCTION IN UNWANTED PREGNANCIES
- POSTPONEMENT OF BIRTHS
- ECONOMIC FACTORS
  - UNEMPLOYMENT
  - MAINTAINING STANDARD OF LIVING DIFFICULT
  - FEMALE LABOUR FORCE PARTICIPATION
- PREFERENCE FOR SMALLER FAMILIES
- EXPANSION OF WOMEN'S NON-FAMILY ROLE

IMPACT

POPULATION GROWTH

-- AT CURRENT FERTILITY RATE (1.7) POPULATION WILL CONTINUE TO GROW TO END OF CENTURY DUE TO RELATIVELY LARGE PROPORTION OF WOMEN OF CHILDBEARING AGE

-- AS GROWTH MOMENTUM BUILT INTO AGE STRUCTURE DISAPPEARS, POPULATION WILL START TO DIMINISH

AGE STRUCTURE

-- PERSISTENCE OF CURRENT FERTILITY WILL ULTIMATELY RESULT IN MUCH OLDER POPULATION:

IN 1986, THERE WERE

10.7% OVER 65 YEARS VS

28.9% UNDER 20 YEARS

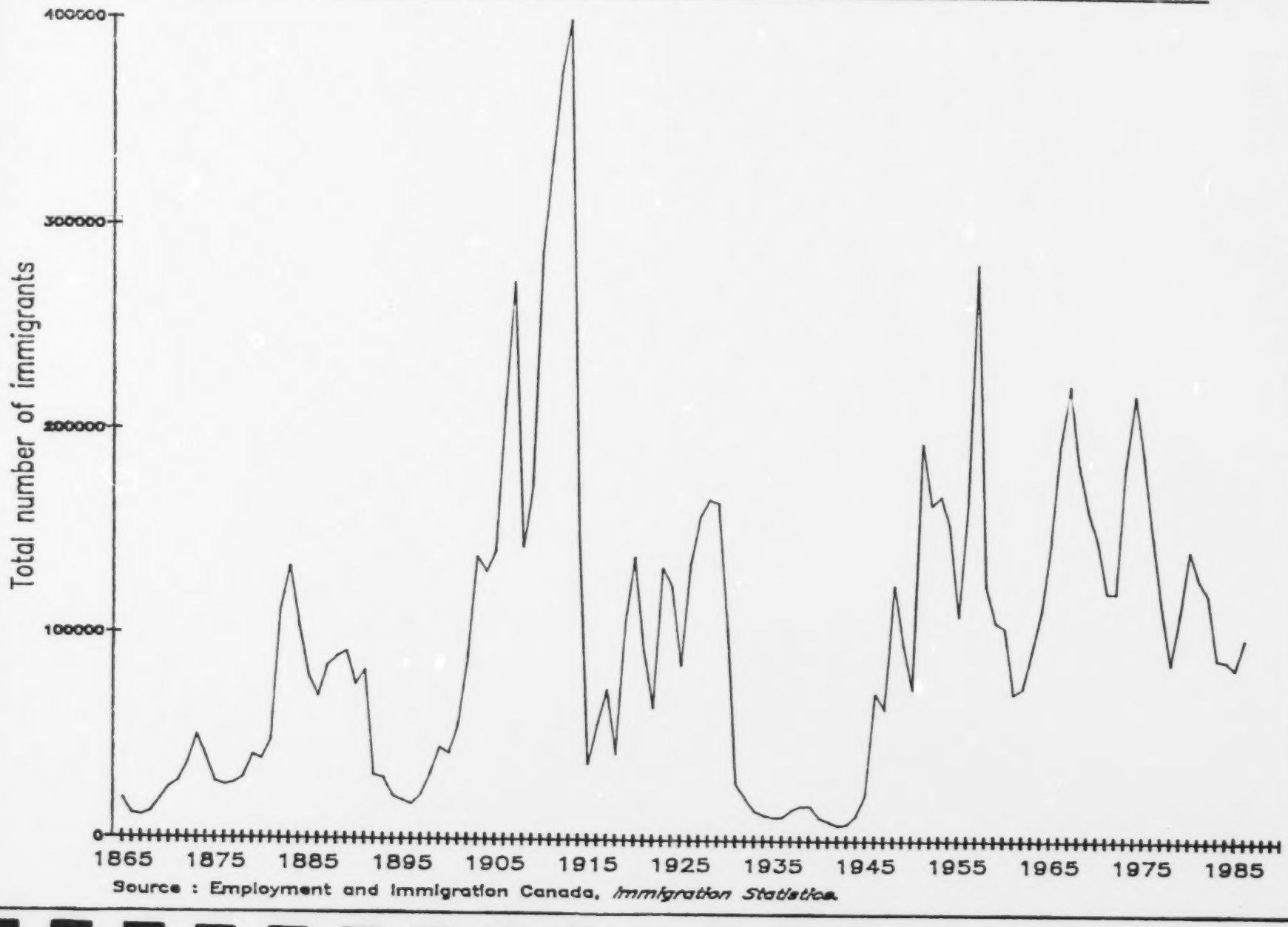
THESE PROPORTIONS WERE 8% AND 42% IN 1961

MIGRATION

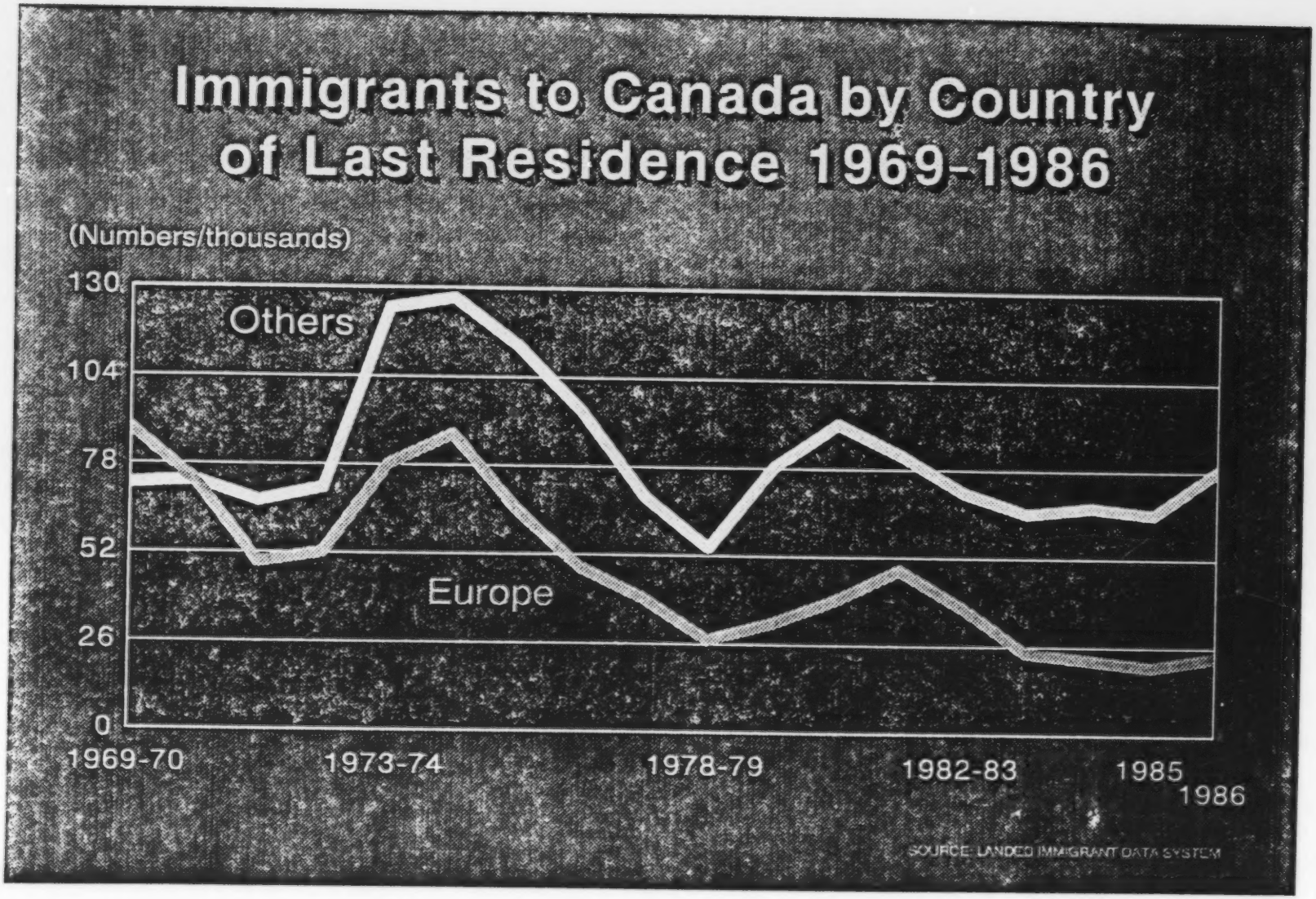
-- **IF FERTILITY RATE DOES NOT INCREASE SUBSTANTIALLY AND IF POPULATION GROWTH IS NATIONAL GOAL, THEN LARGE SCALE IMMIGRATION IS ALTERNATIVE.**

-- **ASSUMING CURRENT FERTILITY RATE AND LEVEL OF EMIGRATION, IMMIGRATION WOULD GRADUALLY HAVE TO BE RAISED BY TURN OF CENTURY TO 275,000/YR TO ACHIEVE 1% POPULATION GROWTH.**

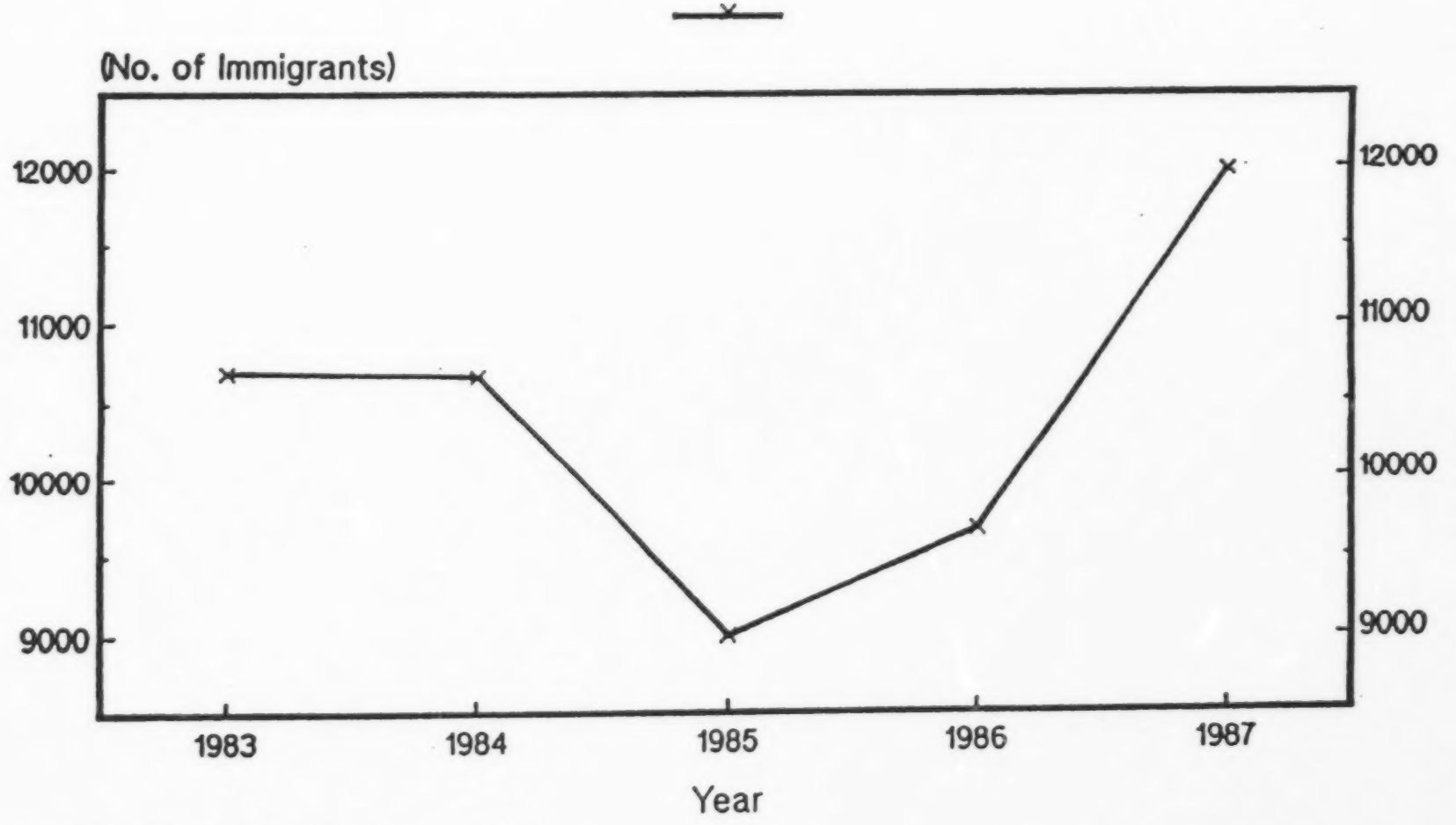
Immigration to Canada, 1867–1986



Source : Employment and Immigration Canada, *Immigration Statistics*


Immigrants to Canada by Country of Last Residence 1969-1986
(Numbers/thousands)
130
104
78
52
26
0
Others
Europe
1969-70
1973-74
1978-79
1982-83
1985
1986
SOURCE: LANDED IMMIGRANT DATA SYSTEM

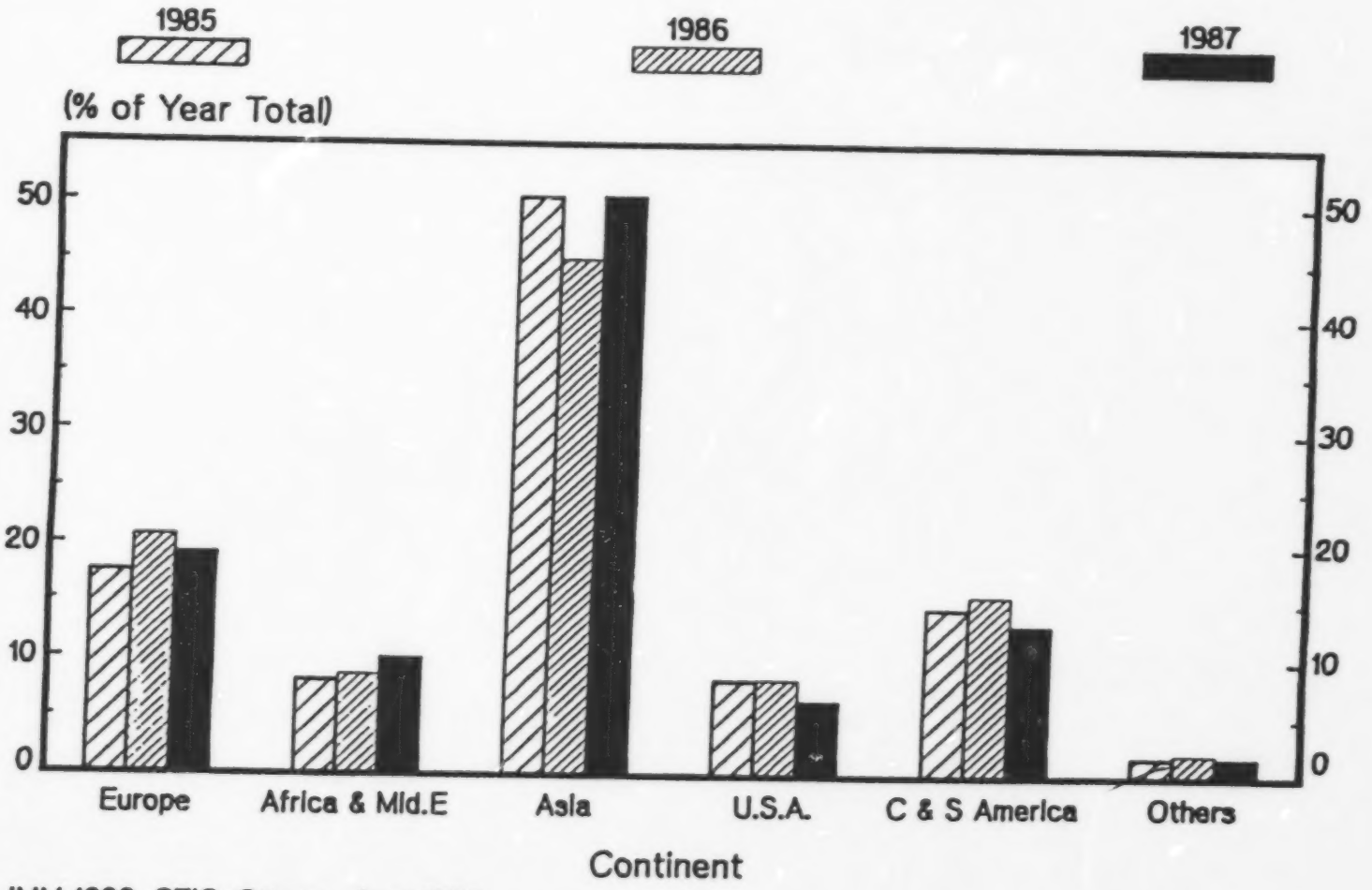
IMMIGRATION TO ALBERTA
1983 - 1987



Source: IMM 1000, CEIC, Ottawa, June 1988.

IMMIGRATION TO ALBERTA

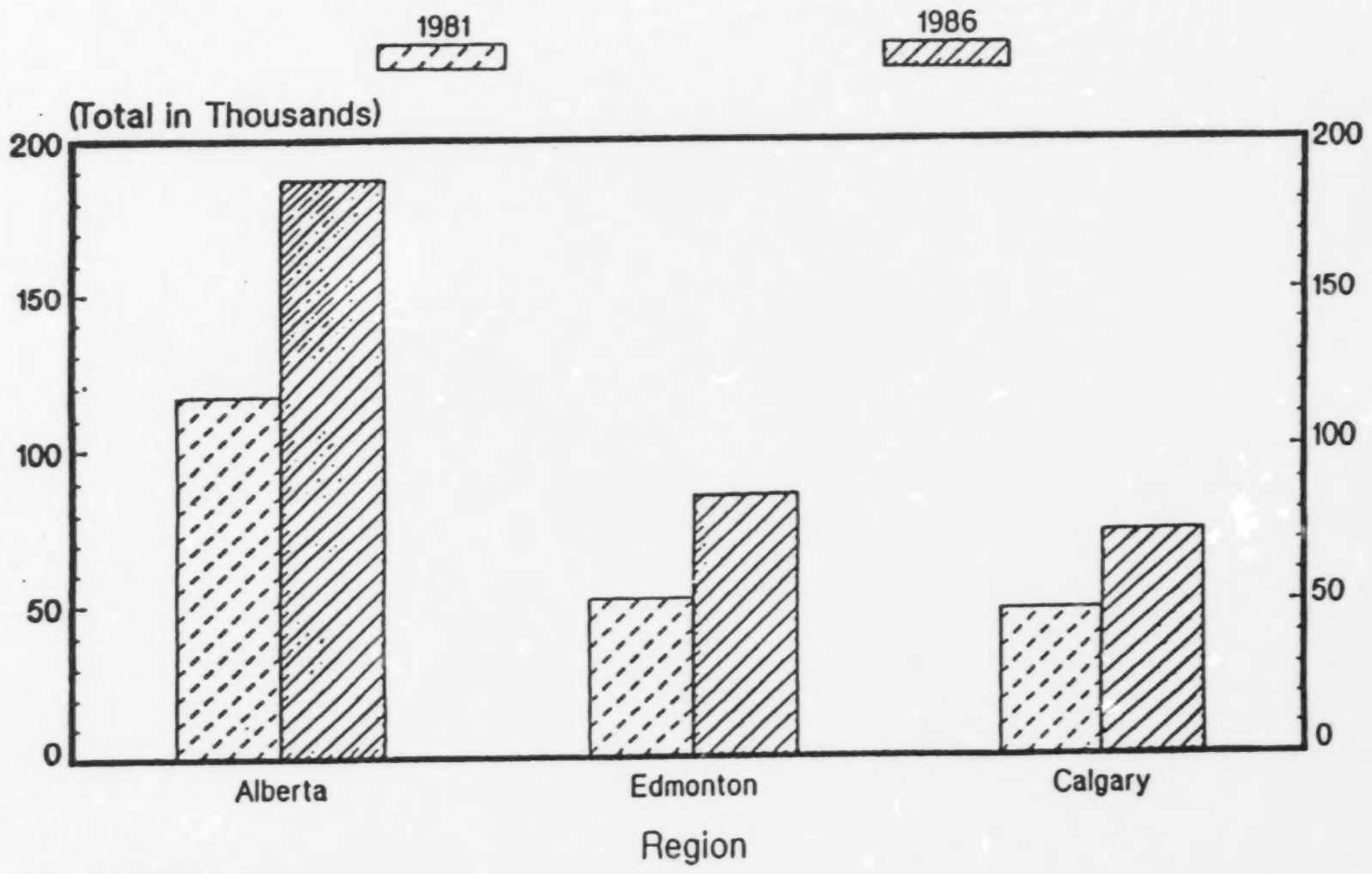
By Continent, 1985 – 1987



Source: IMM 1000, CEIC, Ottawa, June 1988.

VISIBLE MINORITIES

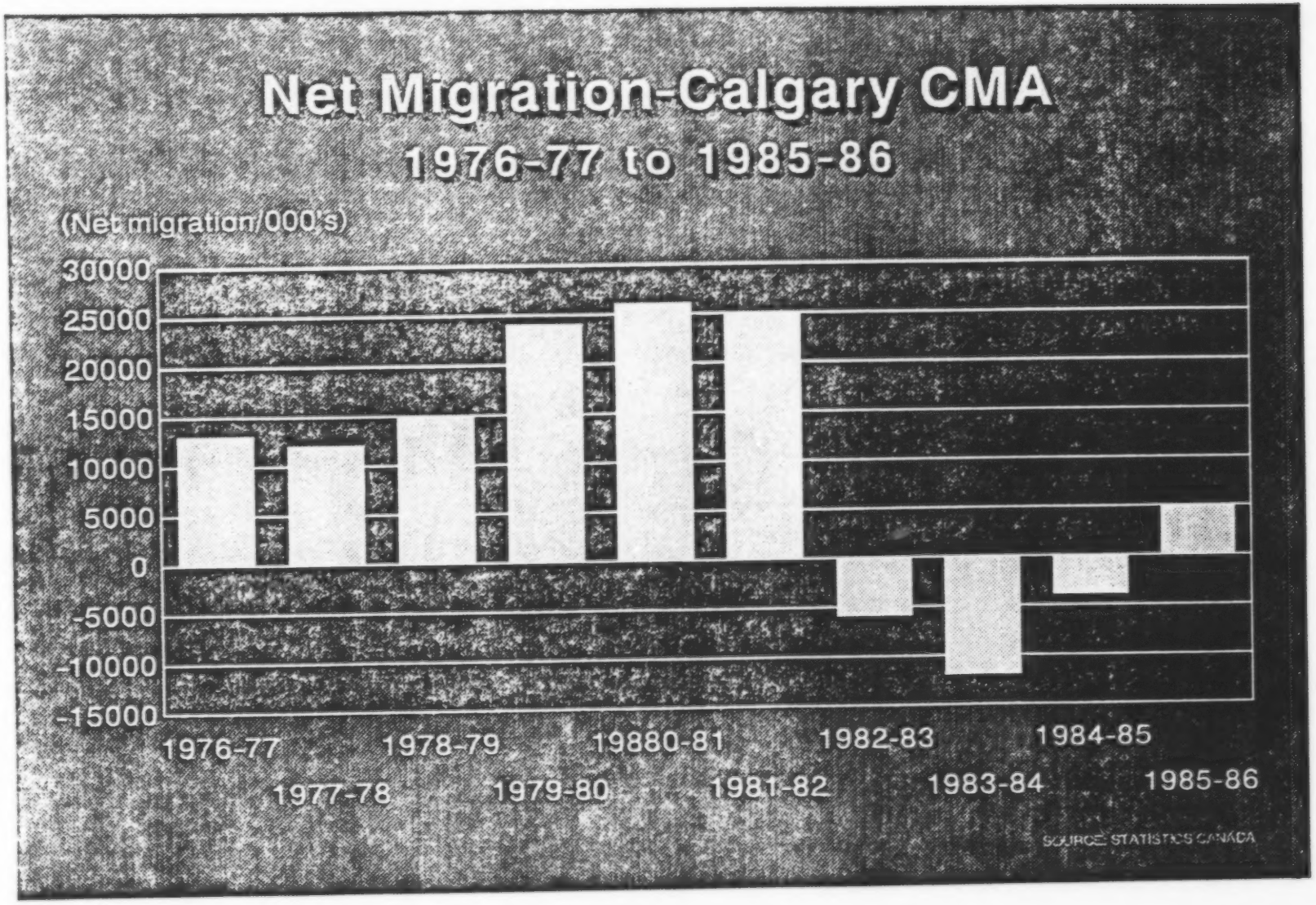
Alberta, Edmonton & Calgary



Source: Statistics Canada, 1981 & 1986 Canada Census.

PERCENTAGE DISTRIBUTION OF POPULATION 15 YEARS AND OVER BY "IMMIGRATION STATUS" AND HIGHEST LEVEL OF SCHOOLING, CANADA AND ALBERTA, 1986

	Total	<Grade 9	Some Sec.	Secondary Diploma	Other Non-U	Some Univers.	With U. Degree
CANADA							
Total Population 15+	100	17	27	13	24	9	10
Non-Immigrants	100	16	29	13	25	9	9
Immigrant Population	100	23	21	10	24	10	12
ALBERTA							
Total Population 15+	100	11	30	11	27	10	11
Non-Immigrants	100	9	32	11	28	10	10
Immigrant Population	100	19	23	8	26	10	14


Net Migration-Calgary CMA
1976-77 to 1985-86
(Net migration/000's)
30000
25000
20000
15000
10000
5000
0
-5000
-10000
-15000
1976-77
1977-78
1978-79
1979-80
19880-81
1981-82
1982-83
1983-84
1984-85
1985-86
SOURCE: STATISTICS CANADA

NATIVE CANADIANS LABOUR FORCE PARTICIPATION IN ALBERTA

- 120,000 NATIVES IN ALBERTA (ESTIMATE)
- 63,055 ARE AGE 15 OR OLDER AND ARE THEREFORE CONSIDERED TO BE EMPLOYABLE.
- MORE THAN 50% OF THESE EMPLOYABLE ABORIGINAL PEOPLE ARE UNEMPLOYED.

WAGE GAP

- AVERAGE INCOME OF A NATIVE MALE IS 60.2% OF NON-NATIVE MALE.
- AVERAGE INCOME OF NATIVE FEMALE IS 71.7% OF NON-NATIVE FEMALE.

DISABLED CANADIANS

AN ESTIMATED 14% OF THE TOTAL CANADIAN POPULATION, IS DISABLED.

DISABLED ALBERTANS LABOUR FORCE PARTICIPATION

OF ALL INDIVIDUALS IN THE PAID LABOUR FORCE, IT IS ESTIMATED THAT BETWEEN 5.8% AND 6.4% ARE DISABLED.

POPULATION AGED 15 AND OVER WHO WORKED IN 1985 OR 1986
SHOWING REPRESENTATION OF DESIGNATED GROUPS BY
OCCUPATIONAL GROUPS
CANADA

OCCUPATIONAL GROUPS	TOTAL		MALES	FEMALES	ABORIGINAL PEOPLES	VISIBLE MINORITIES
	NO.	%	%	%	%	%
ALL OCCUPATIONS	13,857,775	100	56	44	2.1	6.3
UPPER LEVEL MANAGERS	200,330	100	82.6	17.4	1.4	4.1
MIDDLE AND OTHER MANAGERS	975,280	100	66.9	33.1	1.4	4.7
PROFESSIONALS	1,667,195	100	46.7	53.3	1.4	7.1
SEMI-PROFESSIONAL AND TECHNICIANS	635,760	100	49.5	50.5	2.3	6.2
SUPERVISORS	336,915	100	52.1	47.9	1.6	7.5
FOREMEN/WOMEN	368,960	100	91.9	8.1	1.7	3.6
CLERICAL WORKERS	2,360,500	100	20.1	79.9	1.7	6.2
SALES WORKERS	1,067,655	100	52.0	48.0	1.4	5.1
SERVICE WORKERS	1,382,455	100	38.7	61.3	2.8	8.3
SKILLED CRAFTS AND TRADES	1,056,650	100	91.7	8.3	1.9	3.8
SEMI-SKILLED MANUAL WORKERS	1,249,315	100	86.0	14.0	2.6	4.8
OTHER MANUAL WORKERS	2,060,755	100	70.8	29.2	3.0	7.9
OCCUPATIONS NOT STATED	495,995	100	54.1	45.9	3.9	8.4

TOTALS MAY NOT EQUAL THE SUM OF COMPONENTS DUE TO ROUNDING AND SUPPRESSION.

UNPUBLISHED DATA, 1986 CENSUS OF CANADA

NOTES ON GRAPHS

1. **Total Fertility Rate** (the number of births/women)
Since the beginning of this century we have seen the fertility rate decline to 2.7 births per woman during the depression years, followed by the enormous postwar boom of the 40's and 50's when it rose again to 3.7 births. However, since the late 60's, the birth rate has plummeted to below the replacement level of 2.1. In fact, it has remained at about 1.7 for two decades now. This is often referred to as the "baby-bust."

2. **Fertility Rate and Labour Force Participation of Women**
The decline in fertility has gone hand-in-hand with the increasing participation of women in the paid workforce. Statistics Canada describes this increase as the most significant trend of the last two decades.

3. **Annual Population Increase to the Year 2006 in Canada**
This projection is based on a fertility rate of 1.4 births per woman, (the expected fertility rate by 1995) and a net migration from Canada of 50,000 migrants a year. Given those combined rates, the Canadian population will cease to grow.

4. **Fertility Rate Comparisons: Calgary, Alberta, Canada**
This graph shows the 1986 fertility rate of Calgary compared to all of Alberta, highlighting one of the many differences between rural and urban Alberta.

5. **Annual Population Increase for Alberta to 2006**
This projection is similar to that of Canada as a whole. The importance of this projection is the significant decline in the number of children under 15 years compared to the proportion of senior citizens. In fact, in the last 20 years the proportion of those over 65 years of age increased at twice the rate of the population as a whole.

6. **Labour Force Participation Rate**

(a) **Men & Women**
This graph shows that by the year 2000, just a decade away, the labour force participation of women will be equal to that of men. Twenty years ago, only 31% of women participated in the paid labour force. Now 56% of all women, and 57% of married women, are in the workforce.

(b) **By Age Group**

This bar graph clearly indicates that those women who are now in their child-bearing years are in the labour force at almost the same rate as men. In fact, it shows a clearly different lifestyle for women than that of their mother's generation. In the past 10 years, the labour market participation of mothers with children under 3 years of age has risen from 32% to 56%.

(c) **By Education**

(d) **University Enrollment**

(e) **Males & Females in Alberta**

This table shows that women in Alberta participated at a higher rate than the Canadian average. In fact, more women are in the paid labour force in Alberta than in any other province in Canada.

7. What is the impact?

(a) **Factors in Current Fertility Decline**

(b) **Impact**

(c) **Migration**

If the fertility rate does not increase substantially and if population growth is a national goal, then large scale immigration is the alternative. Assuming the current fertility rate and level of emigration, immigration would gradually have to be raised to 275,000 a year by the turn of the century to achieve a 1% population growth.

8. Immigration

(a) **To Canada from 1867-1984**

Immigration was the means by which the country's population grew in the past. Sir Wilfred Laurier had a vision for Canada based on a population of 50 million. Certainly, until at least the 1960's, the assumption was that growth was good. This graph shows the waves of immigration. Our immigration policy has traditionally been linked to economic issues. There has always been a public perception that immigrants will take jobs away from Canadians, and in times of economic downturn the immigration stream slowed to a trickle. Fore example, the number of immigrants fell from 143,000 in 1980 to 88,000 in 1984. It was only then that government policy-makers and demographic experts began to realize that there were other issues involved in the structure and composition of Canadian society. Immigration, in fact, played a key role in deciding the size and age balance of the population.

In a 1985 special report to Parliament, "Review of Future Directions for Immigration Levels", the case for increased immigration was clearly spelled out. It stated that Canada needs and will continue to need, a vigorous, balanced immigration movement to maintain natural social and humanitarian ideals and to complement strategies for economic growth. In presenting its case for increased immigration, the report stated: "Contrary to myth, immigrants do not take jobs away from Canadians". It noted that immigrants contribute to economic growth and job creation by augmenting the pool of capital, expanding consumer demand for Canadian goods and services, and bringing needed skills and energies to the labour market.

This assertion was supported by a report called "The Employment Effects of Immigration: A Balance Sheet Approach", presented in Winnipeg at a meeting of the Canadian Population Society in June of 1986. The report prepared by T. John Samuel, Chief of immigration and demographic analysis division of Employment and Immigration Canada, concluded that increased immigration tended to yield lower unemployment rates. The results of his studies indicated that immigrants do in fact create more jobs than they take.

(b) **To Canada by Country of Last Residence**

Traditionally, immigrants to Canada came from European nations such as Italy, Portugal, and the Scandinavian countries. By the early 1970's, however, the flow of immigrants came predominantly from Asian, Africa, and Central and South America.

(c) **Immigration to Alberta**

As this bar graph indicates, the vast majority of immigrants to Alberta come from Asia. In fact, the top five countries of origin for immigrants to Alberta are Hong Kong, Vietnam, India, the U.S. and the Philippines, in that order.

(d) **Net Migration - Calgary 1976-1986**

In discussing immigration targets, it is important to remember that there is always a migration of Canadians who leave to reside in other countries. In fact, the emigration from Canada has been averaging about 50,000 a year for the last few years. As this bar graph indicates, the net migration to Calgary has just started to show a positive side since the recession of 1981. It is important to know that 80% of all immigrants who come to Canada settle in three major urban centres: Vancouver, Toronto, and Montreal. In fact, many of those who settle in Montreal often move to Toronto within two years. This significant influx of new immigrants to the three major cities has the potential, over time, to increase disparities among the provinces that are not able to attract immigrants to their urban centres. Immigrants come to our country with money and ideas. They create jobs and consume goods and services. This has the potential in the next decade to increase the gap between the have and have-not provinces.

9. **Natives**

Of the estimated 120,000 Natives in Alberta, more than 50% of those considered to be employable are unemployed. When they do find employment, they are paid considerably less than their non-Native counterparts. Many young Native women are moving to the cities. They have a fertility rate higher than the Canadian average and many are single parents living below the poverty line.

10. **Disabled**

Studies have shown that well over half of employable disabled persons are unemployed. One study showed that even when they obtain a university degree, 26.3% remain unemployed compared to a 2.7% unemployment rate for able-bodied university graduates. Employment equity programs use "reasonable accommodation" to adjust employment policies and practices so that no-one must compete at a disadvantage. Braille typewriters, wheelchair ramps, child care facilities, flexible work schedules, voice-activated computers, and other technical assistance are examples of reasonable accommodation.

Conclusion

At present, 70% of new workforce entrants are members of the four designated groups. By the year 2000, this percentage will grow to 80%. That, in itself, is the strongest case for employment equity!